

hydraulic monitoring, additional hydrogeologic investigations, installation of additional monitoring wells, and a contingency plan. The confirmatory sampling report was submitted in January 1999 and the hydraulic investigation results were submitted in April 1999. The results of volatile organic compounds (VOCs) analysis from all groundwater monitoring events post intermittent pumping mode have shown no exceedences of contaminant concentrations in either the upper or lower aquifers above the established cleanup levels.

There are two deed restrictions associated with the entire Spiegelberg property and encompass the former footprint of the landfill. One deed restriction prohibits activities on the Spiegelberg Site that may interfere with the remedy. The Site is cleaned up; therefore, this deed restriction can be removed from the property. There is a second deed restriction on the Spiegelberg property for the adjoining Rasmussen's Dump Superfund Site remedy. This deed restriction prohibits interfering with existing or future monitoring wells on the Spiegelberg property needed to implement and monitor the Rasmussen's Dump Site groundwater remedy. These deed restrictions are not required for the Spiegelberg CERCLA remedy; however the second institutional control related to the Rasmussen's Dump Site will remain in place until the contaminated groundwater from the Rasmussen's Dump Site is remediated.

No operation and maintenance is needed for the Spiegelberg Site since the remedial actions restored both site-related contaminated soils and groundwater to levels that allow for unlimited use and unrestricted exposure. Any monitoring done at the Spiegelberg property is done in conjunction with the Rasmussen's Dump Superfund Site remedy.

#### *Five-Year Review*

Five-Year Review (FYR) reports were written in 2000 and 2005. The 2000 FYR concluded that the implemented remedy is protective of human health and the environment. The on-site groundwater treatment system was operating as described in the Spiegelberg Landfill Site ROD. This FYR recommended continuing the monitoring requirements from the Statement of Work (SOW) which included four consecutive semi-annual sampling events. The confirmation monitoring period consisted of twelve monitoring events from September 1998 to December 2004.

The 2005 FYR also found the remedy to be protective of human health and the environment. It concluded that the confirmation monitoring period (post intermittent pumping monitoring) included twelve monitoring events since 1998, to demonstrate continued compliance with the 1998 groundwater Cleanup Standards. The 2005 FYR also concluded, "This is the final Five-Year Review for the Spiegelberg Site. Groundwater treatment has restored the aquifer to clean-up standards. Delisting, more formally known as Deletion from the NPL, should be evaluated and pursued as appropriate."

#### *Community Involvement*

Public participation activities have been satisfied as required in CERCLA Section 113(k), 42 U.S.C. 9613(k), and CERCLA Section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the deletion of this site from the NPL are available to the public in the information repositories and at <http://www.regulations.gov>.

#### *Determination That the Site Meets the Criteria for Deletion in the NCP*

The NCP (40 CFR 300.425(e)) states that a site may be deleted from the NPL when no further response action is appropriate. EPA, in consultation with the State of Michigan, has determined that the responsible parties have implemented all required response actions and that no further response action by responsible parties is appropriate.

#### **V. Deletion Action**

The EPA, with concurrence from State of Michigan through the MDEQ, has determined that all appropriate response actions under CERCLA have been completed. EPA received concurrence from the State of Michigan on December 17, 2010. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective June 13, 2011 unless EPA receives adverse comments by May 13, 2011. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final Notice of Deletion before the effective date of the deletion, and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

#### **List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 5, 2011.

**Susan Hedman,**

*Regional Administrator, Region 5.*

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

#### **PART 300—[AMENDED]**

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

#### **Appendix B to Part 300 [Amended]**

■ 2. Table 1 of Appendix B to Part 300 is amended by removing "Spiegelberg Landfill, Green Oak Township, MI."

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#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 1042**

#### **Control of Emissions From New and In-Use Marine Compression-Ignition Engines and Vessels**

#### *CFR Correction*

In Title 40 of the Code of Federal Regulations, Part 1000 to End, revised as of July 1, 2010, on page 240, in § 1042.901, the definition of "New vessel" is reinstated to read as follows:

#### **§ 1042.901 Definitions.**

\* \* \* \* \*

*New vessel* means any of the following:

(1) A vessel for which the ultimate purchaser has never received the equitable or legal title. The vessel is no longer new when the ultimate purchaser receives this title or it is placed into service, whichever comes first.

(2) For vessels with no Category 3 engines, a vessel that has been modified such that the value of the modifications exceeds 50 percent of the value of the modified vessel, excluding temporary modifications (as defined in this section). The value of the modification is the difference in the assessed value of the vessel before the modification and the assessed value of the vessel after the

modification. The vessel is no longer new when it is placed into service. Use the following equation to determine if the fractional value of the modification exceeds 50 percent:

$$\text{Percent of value} = \frac{[(\text{Value after modification}) - (\text{Value before modification})]}{(\text{Value after modification})} \times 100\%$$

(3) For vessels with Category 3 engines, a vessel that has undergone a modification that substantially alters the dimensions or carrying capacity of the vessel, changes the type of vessel, or substantially prolongs the vessel's life.

(4) An imported vessel that has already been placed into service, where it has an engine not covered by a certificate of conformity issued under this part at the time of importation that was manufactured after the requirements of this part start to apply (see § 1042.1).

\* \* \* \* \*

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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 65**

[Docket ID FEMA-2011-0002; Internal Agency Docket No. FEMA-B-1181]

**Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

**DATES:** These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect

prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

**ADDRESSES:** The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (e-mail) [luis.rodriquez1@dhs.gov](mailto:luis.rodriquez1@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They

should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The changes in BFEs are in accordance with 44 CFR 65.4.

*National Environmental Policy Act.*

This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*Regulatory Classification.* This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

*Executive Order 12988, Civil Justice Reform.* This interim rule meets the applicable standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 65**

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

**PART 65—[AMENDED]**

- 1. The authority citation for part 65 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 65.4 [Amended]**

- 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Idaho: Ada .....	Unincorporated areas of Ada County (10-10-0128P).	Oct. 25, 2010, Nov. 1, 2010, <i>The Idaho Statesman</i> .	Mr. Fred Tilman, Chairman, Ada County Board of Commissioners, Ada County Courthouse, 200 West Front Street, 3rd Floor, Boise, ID 83702.	March 1, 2011 .....	160001
Ada .....	City of Meridian (10-10-0128P).	Oct. 25, 2010, Nov. 1, 2010, <i>The Idaho Statesman</i> .	The Honorable Tammy de Weerd, Mayor, City of Meridian, 33 East Broadway Avenue, Suite 300, Meridian, ID 83642.	March 1, 2011 .....	160180
Illinois:					