

### K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each house of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective on January 18, 2011.

#### List of Subjects

##### 40 CFR Part 261

Hazardous waste, Recycling, Reporting and recordkeeping requirements.

##### 40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

##### 40 CFR Part 302

Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Reporting and record keeping requirements, Superfund, Water pollution control, Water supply.

Dated: December 13, 2010.

**Lisa P. Jackson**,  
Administrator.

■ For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

#### PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

##### § 261.33 [Amended]

■ 2. Section 261.33 is amended by removing the entries for the U202 hazardous waste in the table under paragraph (f).

##### Appendix VIII [Amended]

■ 3. Appendix VIII to part 261 is amended by removing the entries for "Saccharin" and "Saccharin salts" from the table "Hazardous Constituents."

#### PART 268—LAND DISPOSAL RESTRICTIONS

■ 4. The authority citation for part 268 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6921, and 6924.

##### § 268.40 [Amended]

■ 5. Section 268.40 is amended by removing the entry for waste code U202 from the table "Treatment Standards for Hazardous Wastes."

##### Appendix VII [Amended]

■ 6. Appendix VII to part 268 is amended by removing the entry for waste code U202 from Table 1, "Effective Dates of Surface Disposed Wastes (Non-Soil and Debris) Regulated in the LDRs—Comprehensive List."

#### PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

■ 7. The authority citation for part 302 continues to read as follows:

**Authority:** 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

##### § 302.4 [Amended]

■ 8. Section 302.4 is amended as follows:

■ a. By removing the entry for "1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts" from Table 302.4.

■ b. By removing the entry for "Saccharin, & salts" from Table 302.4.

■ c. By removing the entry for "81072 Saccharin, & salts, 1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts" from Appendix A to § 302.4.

[FR Doc. 2010-31773 Filed 12-16-10; 8:45 am]

**BILLING CODE 6560-50-P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Federal Emergency Management Agency

##### 44 CFR Part 67

[Docket ID FEMA-2010-0003]

##### Final Flood Elevation Determinations

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

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that

each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

**ADDRESSES:** The final 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 Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*National Environmental Policy Act.* This final 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 final 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 final rule involves no policies that have federalism implications under Executive Order 13132.

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

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

**PART 67—[AMENDED]**

■ 1. The authority citation for part 67 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.

**§ 67.11 [Amended]**

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
<b>Butler County, Ohio, and Incorporated Areas Docket No.: FEMA-B-1075</b>			
Dicks Creek .....	Approximately 500 feet upstream of Main Street .....	+631	City of Middletown, City of Monroe, Unincorporated Areas of Butler County.
	Approximately 1,270 feet upstream of Cincinnati-Dayton Road.	+660	
Elk Creek .....	Approximately 0.7 mile downstream of Howe Road .....	+648	City of Trenton.
	Approximately 0.5 mile downstream of Howe Road .....	+654	
Four Mile Creek .....	Approximately 0.7 mile upstream of Seven Mile Avenue ...	+600	Village of New Miami.
	Approximately 0.8 mile upstream of Seven Mile Avenue ...	+601	
Four Mile Creek .....	Approximately 1,250 feet upstream of Bonham Road .....	+796	City of Oxford.
GM Ditch .....	At the confluence with Pleasant Run .....	+596	City of Fairfield.
	Approximately 1,200 feet upstream of Symmes Road .....	+605	
Great Miami River .....	Approximately 1.4 mile upstream of the confluence with Gregory Creek.	+626	City of Trenton.
Great Miami River .....	Approximately 0.5 mile downstream of State Route 73 .....	+637	City of Middletown.
	Approximately 1.5 mile upstream of State Route 4 .....	+661	
Jackson Ditch .....	Approximately 1,000 feet downstream of Wehr Road .....	+627	Unincorporated Areas of Butler County.
Jackson Ditch East Fork .....	Approximately 1,840 feet upstream of Trenton Road .....	+649	
	At the confluence of Jackson Ditch East Branch of East Fork with Jackson Ditch East Fork.	+701	Unincorporated Areas of Butler County.
Jackson Ditch East Fork .....	Approximately 110 feet upstream of Howe Road .....	+750	
	At the confluence with Jackson Ditch .....	+651	City of Trenton, Unincorporated Areas of Butler County.
Jackson Ditch West Fork .....	Approximately 80 feet upstream of Howe Road .....	+756	
	At the confluence with Jackson Ditch .....	+651	Unincorporated Areas of Butler County.
Mill Creek .....	Approximately 130 feet upstream of Howe Road .....	+807	
	Just downstream of Seward Road .....	+606	City of Hamilton.
	Approximately 190 feet upstream of Seward Road .....	+609	
Millers Creek .....	Approximately 500 feet downstream of the railroad .....	+652	City of Middletown.
	Approximately 400 feet downstream of Cincinnati-Dayton Road.	+654	
Pleasant Run .....	Just upstream of Groh Lane .....	+566	City of Fairfield.
	Just downstream of East River Road .....	+584	
	Just upstream of Niles Road .....	+598	
	Just upstream of John Gray Road .....	+665	
Pleasant Run Branch No. 4 .....	At the confluence with Pleasant Run .....	+610	City of Fairfield.
	Just upstream of Resor Road .....	+634	
Shakers Creek .....	At the confluence with Dick Creek .....	+650	City of Middletown.
	Just downstream of Cincinnati-Dayton Road .....	+654	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Fairfield**

Maps are available for inspection at 5350 Pleasant Avenue, Fairfield, OH 45014.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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**City of Hamilton**

Maps are available for inspection at 20 High Street, Hamilton, OH 45011.

**City of Middletown**

Maps are available for inspection at 1 Donham Plaza, Middletown, OH 45042.

**City of Monroe**

Maps are available for inspection at 233 South Main Street, Monroe, OH 45050.

**City of Oxford**

Maps are available for inspection at 101 East High Street, Oxford, OH 45056.

**City of Trenton**

Maps are available for inspection at 11 East State Street, Trenton, OH 45067.

**Unincorporated Areas of Butler County**

Maps are available for inspection at 130 High Street, 3rd Floor, Hamilton, OH 45011.

**Village of New Miami**

Maps are available for inspection at 268 Whitaker Avenue, Hamilton, OH 45011.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: December 10, 2010.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2010-31666 Filed 12-16-10; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**46 CFR Part 45**

[Docket No. USCG-1998-4623]

RIN 1625-AA17

**Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan, Delay of Effective Date**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of delay of effective date and reopening of the comment period.

**SUMMARY:** The Coast Guard announces that it is delaying the effective date of certain revisions in 46 CFR part 45 as amended by the final rule published in the November 18, 2010, **Federal Register** (75 FR 70595), and soliciting comments on those amendments.

**DATES:** *Effective Date.* This action is effective December 20, 2010. The effective date of revisions to 46 CFR Table 45.171, § 45.187, and § 45.191(a), as revised in the final rule published in the November 18, 2010, **Federal Register** (75 FR 70595) is delayed until

June 15, 2011. All other provisions of the final rule are effective on December 20, 2010.

**Comment Period.** Comments must be received at the address provided below no later than January 18, 2011. Comments are limited to the subject matter described below.

**ADDRESSES:** You may submit comments identified by docket number USCG-1998-4623 using any one of the following methods:

(1) *Federal eRulemaking Portal:*

<http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-1998-4623 and are available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to <http://www.regulations.gov>, inserting USCG-1998-4623 in the "Keyword" box, and then clicking "Search."

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail Mr. Thomas Jordan, Office of Design and Engineering Standards, Naval Architecture Division (CG-5212), Coast Guard; telephone 202-372-1370, e-mail [Thomas.D.Jordan@uscg.mil](mailto:Thomas.D.Jordan@uscg.mil). If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:**

**Background and Purpose**

On November 18, 2010, the Coast Guard published a final rule (75 FR 70595) regarding special load line regimes for certain river barges operating on Lake Michigan. This rule finalized interim regulations that have been in effect since 2002, with some changes. The final regulations are scheduled to go into effect on December 20, 2010. For reasons explained herein, we are extending the effective date of the revised weather restrictions (found in 46 CFR Table 45.171, § 45.187, and § 45.191(a) of the final rule) for 6 months and requesting public comment on that provision.

United States vessels operating on Lake Michigan are normally required to have a load line assignment. River barges do not typically qualify for load line assignment because their hull construction is not robust enough for unrestricted operations on the Great