

Article XX or XXI citation	Title/subject	State effective date	EPA approval date	Additional explanation/§ 52.2063 citation
2105.79	Control of VOC Emissions from Paper, Film, and Foil Surface Coating Processes.	5/24/10	12/28/10 [Insert page number where the document begins]	New Regulation.
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 [FR Doc. 2010-32488 Filed 12-27-10; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2005-TX-0012; FRL-9243-1]

Approval and Promulgation of Implementation Plans; Texas; Emissions Banking and Trading of Allowances Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: On November 16, 2010 (75 FR 69884), EPA published a direct final rule approving portions of four revisions to the Texas State Implementation Plan (SIP) that create and amend the Emissions Banking and Trading of Allowances (EBTA) Program. The EBTA Program establishes a cap and trade program to reduce emissions of oxides of nitrogen (NO_x) and sulfur dioxide (SO₂) from participating electric generating facilities in Texas. The direct final action was published without prior proposal because EPA anticipated no adverse comments. EPA stated in the direct final rule that if we received relevant, adverse comments by December 16, 2010, EPA would publish a timely withdrawal in the **Federal Register**. EPA subsequently received timely adverse comments on the direct final rule. Therefore, EPA is withdrawing the direct final approval. EPA will address all relevant, adverse comments submitted by December 16, 2010, in a subsequent final action based on the parallel proposal also published on November 16, 2010 (75 FR 69909). As stated in the parallel proposal, EPA will not institute a second comment period on this action.

DATES: The direct final rule published on November 16, 2010 (75 FR 69884), is withdrawn as of December 28, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Adina Wiley (6PD-R), Air Permits

Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue (6PD-R), Suite 1200, Dallas, TX 75202-2733. The telephone number is (214) 665-2115. Ms. Wiley can also be reached via electronic mail at *wiley.adina@epa.gov*.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 15, 2010.

Al Armendariz,

Regional Administrator, EPA Region 6.

■ Accordingly, the amendments to 40 CFR 52.2270 published in the **Federal Register** on November 16, 2010 (75 FR 69884), which were to become effective on January 18, 2011, are withdrawn.

[FR Doc. 2010-32458 Filed 12-27-10; 8:45 am]
 BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA-2010-0003]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect

for the listed communities prior to this date.

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.rodriguez1@dhs.gov*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs 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.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection.

The modified BFEs are made pursuant to section 206 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.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

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, Federalism.

Executive Order 12988, Civil Justice Reform. This final 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.
Alabama: Madison (FEMA Docket No.: B-1121).	Unincorporated areas of Madison County (09-04-6850P).	February 12, 2010; February 19, 2010; <i>Madison County Record</i> .	The Honorable Mike Gillespie, Chairman, Madison County Commission, Courthouse 700, 100 Northside Square, Huntsville, AL 35801.	June 21, 2010	010151
Arizona: Maricopa (FEMA Docket No.: B-1118).	City of Surprise (09-09-2388P).	March 11, 2010; March 18, 2010; <i>Arizona Business Gazette</i> .	The Honorable Lyn Truitt, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	February 25, 2010	040053
Maricopa (FEMA Docket No.: B-1118).	Unincorporated areas of Maricopa County (09-09-2388P).	March 11, 2010; March 18, 2010; <i>Arizona Business Gazette</i> .	The Honorable Andrew W. Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	February 25, 2010	040037
California: Riverside (FEMA Docket No.: B-1123).	City of Riverside (09-09-1506P).	March 10, 2010; March 17, 2010; <i>The Press-Enterprise</i> .	The Honorable Ronald O. Loveridge, Mayor, City of Riverside, 3900 Main Street, Riverside, CA 92522.	February 26, 2010	060260
Colorado:					
Arapahoe (FEMA Docket No.: B-1121).	City of Englewood (10-08-0001P).	February 25, 2010; March 5, 2010; <i>The Denver Post</i> .	The Honorable Jim Woodward, Mayor, City of Englewood, 1000 Englewood Parkway, Englewood, CO 80110.	February 18, 2010	085074
Arapahoe (FEMA Docket No.: B-1121).	City of Sheridan (10-08-0001P).	February 25, 2010; March 5, 2010; <i>The Denver Post</i> .	The Honorable Dallas Hall, Mayor, City of Sheridan, 4101 South Federal Boulevard, Sheridan, CO 80110.	February 18, 2010	080018
Connecticut: Hartford (FEMA Docket No.: B-1129).	Town of Windsor Locks (09-01-0574P).	November 13, 2009; November 20, 2009; <i>Hartford Courant</i> .	The Honorable Steven N. Wawruck, Jr., First Selectman, 50 Church Street, Windsor Locks, CT 06096.	November 4, 2009	090042
Florida:					
Alachua (FEMA Docket No.: B-1118).	Unincorporated areas of Alachua County (09-04-5275P).	March 16, 2010; March 22, 2010; <i>The Gainesville Sun</i> .	The Honorable Cynthia Moore Chestnut, Chairman, Alachua County Board of Commissioners, P.O. Box 2877, Gainesville, FL 32602.	February 26, 2010	120001
Lee (FEMA Docket No.: B-1121).	City of Bonita Springs (09-04-3113P).	February 10, 2010; February 17, 2010; <i>Fort Myers News-Press</i> .	The Honorable Ben L. Nelson, Jr., Mayor, City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, FL 34135.	June 17, 2010	120680
Miami-Dade (FEMA Docket No.: B-1123).	City of Sunny Isles Beach (09-04-8292P).	March 15, 2010; March 22, 2010; <i>Miami Daily Business Review</i> .	The Honorable Norman S. Edelcup, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Suite 250, Sunny Isles Beach, FL 33160.	February 26, 2010	120688
Monroe (FEMA Docket No.: B-1118).	Unincorporated areas of Monroe County (09-04-8247P).	March 8, 2010; March 15, 2010; <i>Key West Citizen</i> .	The Honorable Sylvia Murphy, Mayor, Monroe County, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	February 26, 2010	125129
Polk (FEMA Docket No.: B-1121).	Unincorporated areas of Polk County (09-04-5686P).	February 10, 2010; February 17, 2010; <i>The Polk County Democrat</i> .	The Honorable Bob English, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	June 17, 2010	120261
Seminole (FEMA Docket No.: B-1118).	City of Lake Mary (10-04-0356P).	March 5, 2010; March 12, 2010; <i>Orlando Sentinel</i> .	The Honorable David Mealor, Mayor, City of Lake Mary, P.O. Box 958445, Lake Mary, FL 32795.	February 24, 2010	120416

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.
Volusia (FEMA Docket No.: B-1129).	City of DeLand (09-04-0784P).	November 9, 2009; November 16, 2009; <i>The Beacon</i> .	The Honorable Robert F. Appgar, Mayor, City of DeLand, 120 South Florida Avenue, DeLand, FL 32720.	March 16, 2010	120307
	Unincorporated areas of Volusia County (09-04-0784P).	November 9, 2009; November 16, 2009; <i>The Beacon</i> .	The Honorable Frank Bruno, Chair, Volusia County Council, Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, FL 32720.	March 16, 2010	125155
Georgia:					
Clayton (FEMA Docket No.: B-1123).	City of Morrow (09-04-4735P).	February 12, 2010; February 19, 2010; <i>Clayton News Daily</i> .	The Honorable Jim Millirons, Mayor, City of Morrow, 1500 Morrow Road, Morrow, GA 30260.	June 21, 2010	130045
Cobb (FEMA Docket No.: B-1123).	City of Smyrna (09-04-6852P).	March 12, 2010; March 19, 2010; <i>Marietta Daily Journal</i> .	The Honorable A. Max Bacon, Mayor, City of Smyrna, 2800 King Street, Smyrna, GA 30080.	February 26, 2010	130057
Cobb (FEMA Docket No.: B-1123).	Unincorporated areas of Cobb County (09-04-6852P).	March 12, 2010; March 19, 2010; <i>Marietta Daily Journal</i> .	The Honorable Samuel S. Olens, Chairman, Cobb County Board of Commissioners, 100 Cherokee Street, Marietta, GA 30090.	February 26, 2010	130052
Douglas (FEMA Docket No.: B-1121).	Unincorporated areas of Douglas County (09-04-6891P).	February 5, 2010; February 12, 2010; <i>Douglas County Sentinel</i> .	The Honorable Tom Worthan, Douglas County Chairman, 8700 Hospital Drive, Douglasville, GA 30134.	June 14, 2010	130306
Fulton (FEMA Docket No.: B-1123).	City of Atlanta (09-04-6852P).	March 12, 2010; March 19, 2010; <i>Fulton Daily Report</i> .	The Honorable Kasim Reed, Mayor, City of Atlanta, 55 Trinity Avenue, Atlanta, GA 30303.	February 26, 2010	135160
Gwinnett (FEMA Docket No.: B-1129).	City of Buford (09-04-5712P).	March 11, 2010; March 18, 2010; <i>Gwinnett Daily Post</i> .	The Honorable Phillip Beard, Chairman, City of Buford Board of Commissioners, 2300 Buford Highway, Buford, GA 30518.	March 29, 2010	130323
Idaho: Teton (FEMA Docket No.: B-1118).	Unincorporated areas of Teton County (09-10-0567P).	February 18, 2010; February 25, 2010; <i>Teton Valley News</i> .	The Honorable Larry Young, Chairman, Teton County Board of Commissioners, 150 Courthouse Drive, Driggs, ID 83422.	June 25, 2010	160230
Kansas: Johnson (FEMA Docket No.: B-1118).	City of Overland Park (09-07-1561P).	March 10, 2010; March 17, 2010; <i>The Johnson County Sun</i> .	The Honorable Carl Gerlach, Mayor, City of Overland Park, 8500 Santa Fe Drive, Overland Park, KS 66212.	February 26, 2010	200174
Kentucky:					
Lexington-Fayette Urban County Government (FEMA Docket No.: B-1121).	Lexington-Fayette Urban County Government (09-04-2657P).	February 12, 2010; February 19, 2010; <i>Lexington Herald-Leader</i> .	The Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, KY 40507.	June 21, 2010	210067
Lexington-Fayette Urban County Government (FEMA Docket No.: B-1118).	Lexington-Fayette Urban County Government (09-04-6917P).	March 15, 2010; March 22, 2010; <i>Lexington Herald-Leader</i> .	The Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government, 200 East Main Street, 12th Floor, Lexington, KY 40507.	March 29, 2010	210067
Massachusetts:					
Barnstable (FEMA Docket No.: B-1129).	Town of Falmouth (09-01-1270P).	November 6, 2009; November 13, 2009; <i>The Enterprise</i> .	Mr. Robert L. Whritenour, Jr., Town of Falmouth, Manager, 59 Town Hall Square, Falmouth, MA 02540.	October 30, 2009	255211
Barnstable (FEMA Docket No.: B-1129).	Town of Falmouth (10-01-0479P).	January 8, 2010; January 15, 2010; <i>The Enterprise</i> .	Mr. Robert L. Whritenour, Jr., Town of Falmouth, Manager, 59 Town Hall Square, Falmouth, MA 02540.	December 31, 2009	255211
Missouri:					
Cass (FEMA Docket No.: B-1121).	City of Peculiar (09-07-1059P).	February 11, 2010; February 18, 2010; <i>The Journal</i> .	The Honorable Ernie Jungmeyer, Mayor, City of Peculiar, 908 Kendall Road, Peculiar, MO 64078.	June 18, 2010	290878
Cass (FEMA Docket No.: B-1121).	Unincorporated areas of Cass County (09-07-1059P).	February 11, 2010; February 18, 2010; <i>The Journal</i> .	The Honorable Gary Mallory, Cass County Residing Commissioner, 102 East Wall Street, Harrisonville, MO 64701.	June 18, 2010	290783
New Mexico: Dona Ana (FEMA Docket No.: B-1121).	City of Las Cruces (09-06-0638P).	February 5, 2010; February 12, 2010; <i>Las Cruces Sun-News</i> .	The Honorable Ken Miyagishima, Mayor, City of Las Cruces, P.O. Box 20000, Las Cruces, NM 88004.	June 14, 2010	355332
North Carolina:					
Cumberland (FEMA Docket No.: B-1121).	City of Fayetteville (09-04-2351P).	February 5, 2010; February 12, 2010; <i>Fayetteville Observer</i> .	The Honorable Anthony G. Chavonne, Mayor, City of Fayetteville, 433 Hay Street, Fayetteville, NC 28301.	June 14, 2010	370077
Durham (FEMA Docket No.: B-1118).	City of Durham (08-04-3771P).	February 24, 2010; March 3, 2010; <i>The Herald-Sun</i> .	The Honorable William V. Bell, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701.	July 1, 2010	370086
Durham (FEMA Docket No.: B-1121).	City of Durham (09-04-4161P).	February 5, 2010; February 12, 2010; <i>The Herald-Sun</i> .	The Honorable William V. Bell, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701.	January 29, 2010	370086

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.
Forsyth (FEMA Docket No.: B-1123).	City of Winston-Salem (09-04-7422P).	January 5, 2010; January 12, 2010; <i>Winston-Salem Journal</i> .	The Honorable Allen Joines, Mayor, City of Winston-Salem, P.O. Box 2511, Winston-Salem, NC 27102.	May 12, 2010	375360
Guilford (FEMA Docket No.: B-1123).	City of Greensboro (09-04-6072P).	November 30, 2009; December 7, 2009; <i>Greensboro News & Record</i> .	The Honorable Yvonne J. Johnson, Mayor, City of Greensboro, P.O. Box 3136, Greensboro, NC 27402.	April 6, 2010	375351
McDowell (FEMA Docket No.: B-1123).	Unincorporated areas of McDowell County (09-04-1274P).	January 22, 2010; January 29, 2010; <i>The McDowell News</i> .	Mr. Charles Abernathy, McDowell County Manager, 60 East Court Street, Marion, NC 28752.	June 1, 2010	370148
Orange (FEMA Docket No.: B-1123).	Town of Carrboro (09-04-7185P).	November 20, 2009; November 27, 2009; <i>Chapel Hill Herald</i> .	The Honorable Mark Chilton, Mayor, Town of Carrboro, 301 West Main Street, Carrboro, NC 27510.	March 29, 2010	370275
Orange (FEMA Docket No.: B-1123).	Town of Chapel Hill (08-04-4997P).	December 9, 2009; December 16, 2009; <i>Chapel Hill Herald</i> .	The Honorable Kevin Foy, Mayor, Town of Chapel Hill, 405 Martin Luther King Jr. Boulevard, Chapel Hill, NC 27514.	April 15, 2010	370180
Wake (FEMA Docket No.: B-1121).	Town of Cary (09-04-4769P).	February 24, 2010; March 3, 2010; <i>The Cary News</i> and <i>The News & Observer</i> .	The Honorable Harold Weinbrecht, Mayor, Town of Cary, P.O. Box 8005, Cary, NC 27512.	July 1, 2010	370238
Wake (FEMA Docket No.: B-1121).	Town of Morrisville (09-04-4769P).	February 24, 2010; March 3, 2010; <i>The News & Observer</i> .	The Honorable Jan Faulkner, Mayor, Town of Morrisville, 100 Town Hall Drive, Morrisville, NC 27560.	July 1, 2010	370242
Wake (FEMA Docket No.: B-1123).	City of Raleigh (09-04-4425P).	January 20, 2010; January 27, 2010; <i>The News & Observer</i> .	The Honorable Charles Meeker, Mayor, City of Raleigh, P.O. Box 590, 222 West Hargett Street, Raleigh, NC 27602.	May 27, 2010	370243
Wake (FEMA Docket No.: B-1123).	Unincorporated areas of Wake County (08-04-4911P).	November 30, 2009; December 7, 2009; <i>The News & Observer</i> .	Mr. David C. Cooke, Wake County Manager, 337 South Salisbury Street, Suite 1100, Raleigh, NC 27602.	April 6, 2010	370368
Texas:					
Tarrant (FEMA Docket No.: B-1129).	City of Benbrook (09-06-1461P).	February 9, 2010; February 16, 2010; <i>Star-Telegram</i> .	The Honorable Jerry Dittrich, Mayor, City of Benbrook, P.O. Box 26569, Benbrook, TX 76126.	June 16, 2010	480586
Tarrant (FEMA Docket No.: B-1129).	City of Blue Mound (09-06-1669P).	January 29, 2010; February 5, 2010; <i>Star-Telegram</i> .	The Honorable Alan Hooks, Mayor, City of Blue Mound, 301 South Blue Mound Road, Blue Mound, TX 76131.	June 7, 2010	480587
Tarrant (FEMA Docket No.: B-1129).	City of Colleyville (09-06-2624P).	November 18, 2009; November 25, 2009; <i>Colleyville Courier</i> .	The Honorable David Kelly, Mayor, City of Colleyville, 100 Main Street, Colleyville, TX 76034.	November 5, 2009	480590
Tarrant (FEMA Docket No.: B-1129).	City of Fort Worth (09-06-1461P).	February 9, 2010; February 16, 2010; <i>Star-Telegram</i> .	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Steet, Fort Worth, TX 76102.	June 16, 2010	480596
Tarrant (FEMA Docket No.: B-1129).	City of Fort Worth (09-06-1669P).	January 29, 2010; February 5, 2010; <i>Star-Telegram</i> .	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	June 7, 2010	480596
Tarrant (FEMA Docket No.: B-1129).	City of Grapevine (09-06-2624P).	November 18, 2009; November 25, 2009; <i>Grapevine Courier</i> .	The Honorable William D. Tate, Mayor, City of Grapevine, P.O. Box 95104, Grapevine, TX 76099.	November 5, 2009	480598
Webb (FEMA Docket No.: B-1124).	City of Laredo (09-06-1964P).	March 12, 2010; March 19, 2010; <i>Laredo Morning Times</i> .	The Honorable Raul G. Salinas, Mayor, City of Laredo, 1110 Houston Street, Laredo, TX 78040.	February 26, 2010	480651
Utah: Weber (FEMA Docket No.: B-1121).	City of Ogden (09-08-0583P).	February 12, 2010; February 19, 2010; <i>Standard Examiner</i> .	The Honorable Matthew R. Godfrey, Mayor, City of Ogden, 2549 Washington Boulevard, Suite 910, Ogden, UT 84401.	June 21, 2010	490189
Virginia: Loudoun (FEMA Docket No.: B-1118).	Unincorporated areas of Loudoun County (09-03-1375P).	March 10, 2010; March 17, 2010; <i>Loudoun Times-Mirror</i> .	The Honorable Scott K. York, Loudoun County Chairman, P.O. Box 7000, Leesburg, VA 20177.	March 22, 2010	510090
Wyoming: Natrona (FEMA Docket No.: B-1121).	City of Casper (08-08-0742P).	February 11, 2010; February 18, 2010; <i>Casper Star-Tribune</i> .	The Honorable Kenyne Schlager, Mayor, City of Casper, 200 North David Street, Casper, WY 82601.	June 18, 2010	560037

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

Dated: December 7, 2010.

Sandra K. Knight,

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

[FR Doc. 2010-32542 Filed 12-27-10; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 63

[IB Docket No. 04-47; FCC 10-187]

Modification of the Rules and Procedures Governing the Provision of International Telecommunications Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission amends its rules to grant in part the Petition for Reconsideration filed by the North American Submarine Cable Association (NASCA) and otherwise affirm the Commission's Report and Order, Amendment of parts 1 and 63 of the Commission's Rules, IB Docket No. 04-47, Report and Order, FCC 07-118, 22 FCC Rcd 11398, 72 FR 54363 (2007) (Report and Order), establishing that the Coastal Zone Management Act of 1972 (CZMA) applies to cable landing licenses granted by the Commission. NASCA's Petition for Reconsideration argues that the Commission should rescind the rules adopted in that Report and Order. Although we decline to rescind the rules, we amend them to clarify the applicable licensing requirements and to ensure that the Commission's process for evaluating cable landing licenses complies with the CZMA review procedures established by the National Oceanic and Atmospheric Administration (NOAA).

DATES: Effective January 27, 2011, except for the amendment to § 1.767(k)(4), which contains information collection requirements that have not been approved by the Office of Management and Budget (OMB). The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of these rules after it receives OMB approval for the information collection requirements.

FOR FURTHER INFORMATION CONTACT: Kimberly Cook or David Krech, Policy

Division, International Bureau, FCC, (202) 418-1460 or via the Internet at Kimberly.Cook@fcc.gov and David.Krech@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration in IB Docket No. 04-47, FCC 10-187, adopted October 29, 2010, and released November 2, 2010. The full text of the Report and Order is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The document also is available for download over the Internet at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-187A1.pdf. The complete text also may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), located in Room CY-B402, 445 12th Street, SW., Washington, DC 20554. Customers may contact BCPI at its Web site: <http://www.bcpweb.com> or call 1-800-378-3160.

Summary of Order on Reconsideration

1. In the Order on Reconsideration, the Commission amends parts 1 and 63 of its rules to grant in part the Petition for Reconsideration filed by the North American Submarine Cable Association (NASCA) and otherwise affirms the Commission's Report and Order, Amendment of parts 1 and 63 of the Commission's rules, IB Docket No. 04-47, Report and Order, FCC 07-118, 22 FCC Rcd 11398, 72 FR 54363 (2007) (Report and Order), establishing that the Coastal Zone Management Act of 1972 (CZMA) applies to cable landing licenses granted by the Commission. NASCA's Petition for Reconsideration argues that the Commission should rescind the rules adopted in that Report and Order. Although the Commission declines to rescind the rules, the Commission amends them to clarify the applicable licensing requirements and to ensure that the Commission's process for evaluating cable landing licenses complies with the CZMA review procedures established by the National Oceanic and Atmospheric Administration (NOAA).

2. *Applicability of CZMA to FCC Cable Landing Licenses:* The Commission reaffirms its finding the Report and Order that the CZMA applies to cable landing license applications. In a letter to the Commission, NOAA, the federal agency charged with implementation of CZMA, finds that an FCC license is a federal license or permit that could be reviewed by coastal states, pursuant to the CZMA. In deference to NOAA's statutory and regulatory authority and in furtherance

of the Commission's cable landing licensing authority under the Cable Landing License Act, as delegated to the Commission by Executive Order 10530, the FCC must ensure that its cable landing license rules and application procedures comport with the consistency review procedures specified in the CZMA.

3. The CZMA states that no federal agency may grant a license to conduct an activity affecting a coastal area until a state concurs or is presumed to concur with the applicant's certification that a proposed activity is consistent with the state's coastal management plan. See 16 U.S.C. 1456(c)(3)(A). If the state includes FCC cable landing licensing in its coastal management plan, FCC licensing is considered a "listed activity." See 15 CFR 930.53. As such, the state has six months to review and either concur with or object to the certification that is required if CZMA state consistency review is triggered by the filing of a cable landing license with the Commission. The state's concurrence is conclusively presumed if it does not act within six months after receiving the applicant's certification. See 16 U.S.C. 1456(c)(3)(A). At this time, no state has included FCC licensing in its coastal management plan. If the state does not include FCC licensing in its coastal management plan, such licensing is an "unlisted activity." For unlisted activities, NOAA rules require that the state notify the relevant federal agencies, applicants, and the Director of the Office of Ocean and Coastal Resource Management (OCRM) (within NOAA) of the state's request to review the activity within thirty days of notice of the license or permit application, or otherwise be deemed to have waived the right to review the unlisted activity. See 15 CFR 930.54.

4. *Certification Requirement:* The Order on Reconsideration amends the certification requirement of § 1.767 to clarify that the applicant need only certify that the proposed submarine cable will not be located in or impact any state that requires review of FCC cable landing applications as a listed activity in its coastal management plan.

5. *Constructive Notice to States:* The Order on Reconsideration clarifies that the thirty-day time period for a state to request NOAA approval for consistency review of the application as an unlisted activity will commence with the issuance of the Public Notice that the submarine cable landing license application has been accepted for filing. NOAA rules allow for constructive notice to a state of submission of an application for licenses for unlisted