

workers and ecological receptors. The RAOs for the Site were:

- Prevent exposure to contaminated soil/sediment via ingestion, inhalation, or dermal contact that would result in an excess carcinogenic risk of  $1.0 \times 10^{-5}$  or a Hazard Index of 1.0.
- Prevent exposure of contaminated soil/sediment to aquatic or terrestrial organisms via direct contact or indirect ingestion of bioaccumulative chemicals that would result in a Hazard Quotient of 1.0.
- Prevent or minimize migration of soil contaminants to ground water.
- Prevent or minimize further migration of soil and sediment contaminants to surface water that could result in exceedance of ambient water quality criteria.

#### *Response Actions*

Based on the results of the BHHRA and SLERA, the EPA's Selected Remedy for the SMPA Superfund Site was "No Further Action is Necessary." The EPA has obtained a Restrictive Covenant from the landowner indicating that the future use of the property is restricted to commercial/industrial purposes. The Restrictive Covenant was filed in the appropriate property records at the County Clerk's office in Jefferson County on March 25, 2011.

#### *Cleanup Goals*

The cleanup goals, accomplished by the 2001 Time Critical Removal Action, included the removal, treatment, and off-site disposal of the liquids and sludges in the above ground storage tanks and drums. There were no cleanup goals selected in the Record of Decision.

#### *Operation and Maintenance*

Operation and maintenance activities at the Site will include surface water and sediment sampling. In addition, the restrictive covenant will be monitored to ensure it is effective in maintaining industrial/commercial land use at the Site.

#### *Five-Year Reviews*

Since remaining conditions at the Site will not allow for unlimited use and unrestricted exposure, a Five-Year Review must be conducted for the Site to ensure that future Site development is consistent with the industrial cleanup standards for which the remedy is based and that conditions remain protective of human health and the environment. As part of the Five-Year Review, sediment sampling and monitoring will be considered in Sabine Lake adjacent to the Site to ensure that the remedy remains protective of ecological

receptors. The EPA will conduct a statutory review before April 18, 2012.

#### *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 the EPA relied on for recommendation for the deletion from the NPL are available to the public in the information repositories, and a notice of availability of the Notice of Intent for Deletion has been published in The Port Arthur News to satisfy public participation procedures required by 40 CFR 300.425(e)(4).

#### *Determination That the Criteria for Deletion Have Been Met*

In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. The EPA, in consultation with the State of Texas (through the Texas Commission on Environmental Quality), has determined that based on the results of the BHHRA and SLERA and the completion of the EPA's Time Critical Removal Action that addressed contamination at the Site that posed a risk to human health and the environment, the EPA's Selected Remedy for the SMPA Superfund Site was "No Further Action is Necessary." The EPA has implemented all appropriate response actions required; no further response action by responsible parties is appropriate; and the RI, SRI, BHHRA, and SLERA, have shown that the release poses no significant threat to public health or the environment under a commercial/industrial land use scenario and, therefore, the taking of additional remedial measures is not appropriate. EPA received a letter, dated May 25, 2011, from the State of Texas, through the Texas Commission on Environmental Quality, concurring on the deletion of the SMPA Superfund Site from the NPL.

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

The EPA, with concurrence of the State of Texas, through the Texas Commission on Environmental Quality, has determined that all appropriate response actions under CERCLA, other than operation, maintenance, monitoring, and Five-Year Reviews, have been completed. Therefore, EPA is deleting the SMPA Superfund 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 February 6, 2012

unless EPA receives adverse comments by January 5, 2012. 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: November 14, 2011.

**Al Armendariz,**

*Regional Administrator, Region 6.*

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—[Amended]**

- 2. Table 1 of Appendix B to Part 300 is amended by removing the entry "State Marine of Port Arthur, Jefferson County" under TX.

[FR Doc. 2011–31260 Filed 12–5–11; 8:45 am]

**BILLING CODE 6560–50–P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **44 CFR Part 65**

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1231]

#### **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 (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.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.
Alabama:					
Madison .....	Unincorporated areas of Madison County (11–04–3252P).	September 8, 2011; September 15, 2011; <i>The Huntsville Times</i> .	The Honorable Mike Gillespie, Chairman, Madison County Commission, 10 North Side Square, Huntsville, AL 35801.	January 13, 2012 .....	010151
Tuscaloosa .....	Town of Coaling (11–04–2431P).	September 8, 2011; September 15, 2011; <i>The Tuscaloosa News</i> .	The Honorable Charles Foster, Mayor, Town of Coaling, 11281 Stephens Loop, Coaling, AL 35453.	January 13, 2012 .....	010480
Tuscaloosa .....	Unincorporated areas of Tuscaloosa County (11–04–2431P).	September 8, 2011; September 15, 2011; <i>The Tuscaloosa News</i> .	The Honorable W. Hardy McCollum, Probate Judge, Tuscaloosa County Commission, 714 Greensboro Avenue, Tuscaloosa, AL 35401.	January 13, 2012 .....	010201
Arizona:					
Coconino .....	City of Flagstaff (11–09–2204P).	June 3, 2011; June 10, 2011; <i>The Arizona Daily Sun</i> .	The Honorable Sara Presler, Mayor, City of Flagstaff, 211 West Aspen Avenue, Flagstaff, AZ 86001.	May 27, 2011 .....	040020
Pima .....	City of Tucson (11–09–1158P).	August 5, 2011; August 12, 2011; <i>The Arizona Daily Star</i> .	The Honorable Bob Walkup, Mayor, City of Tucson, 255 West Alameda Street, Tucson, AZ 85701.	August 29, 2011 .....	040076
Pima .....	Unincorporated areas of Pima County (11–09–0275P).	September 20, 2011; September 27, 2011; <i>The Daily Territorial</i> .	The Honorable Ramón Valadez, Chairman, Pima County Board of Supervisors, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	January 25, 2012 .....	040073
Pima .....	Unincorporated areas of Pima County (12–09–0017P).	May 31, 2011; June 7, 2011; <i>The Daily Territorial</i> .	The Honorable Ramón Valadez, Chairman, Pima County Board of Supervisors, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	October 6, 2011 .....	040073
Colorado:					

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.
Douglas .....	Town of Castle Rock (11-08-0329P).	September 8, 2011; September 15, 2011; <i>The Douglas County News-Press</i> .	The Honorable Paul Donahue, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	January 13, 2012 .....	080050
Douglas .....	Unincorporated areas of Douglas County (11-08-0329P).	September 8, 2011; September 15, 2011; <i>The Douglas County News-Press</i> .	The Honorable Jill E. Repella, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	January 13, 2012 .....	080049
Larimer .....	Unincorporated areas of Larimer County (11-08-0189P).	September 8, 2011; September 15, 2011; <i>The Fort Collins Coloradoan</i> .	The Honorable Tom Donnelly, Chairman, Larimer County Board of Commissioners, 200 West Oak Street, 2nd Floor, Fort Collins, CO 80522.	September 29, 2011 .....	080101
Florida:					
Broward .....	Town of Hillsboro Beach (11-04-3579P).	June 28, 2011; July 5, 2011; <i>The Sun-Sentinel</i> .	The Honorable Dan Dodge, Mayor, Town of Hillsboro Beach, 1210 Hillsboro Mile, Hillsboro Beach, FL 33062.	June 21, 2011 .....	120040
Monroe .....	Unincorporated areas of Monroe County (11-04-5095P).	September 28, 2011; October 5, 2011; <i>The Key West Citizen</i> .	The Honorable Heather Carruthers, Mayor, Monroe County, 530 Whitehead Street, Key West, FL 33040.	February 2, 2012 .....	125129
Orange .....	City of Orlando (11-04-2561P).	June 30, 2011; July 7, 2011; <i>The Orlando Weekly</i> .	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, 3rd Floor, Orlando, FL 32808.	November 4, 2011 .....	120186
Orange .....	City of Orlando (11-04-5608P).	September 29, 2011; October 6, 2011; <i>The Orlando Weekly</i> .	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, 3rd Floor, Orlando, FL 32808.	September 20, 2011 .....	120186
Pinellas .....	City of Gulfport (10-04-7908P).	September 15, 2011; September 22, 2011; <i>The St. Petersburg Times</i> .	The Honorable Mike Yakes, Mayor, City of Gulfport, 2401 53rd Street, Gulfport, FL 33707.	January 20, 2012 .....	125108
Pinellas .....	Unincorporated areas of Pinellas County (10-04-7908P).	September 15, 2011; September 22, 2011; <i>The St. Petersburg Times</i> .	The Honorable Susan Latvala, Chair, Pinellas County Board of Supervisors, 315 Court Street, Clearwater, FL 33756.	January 20, 2012 .....	125139
Sumter .....	Unincorporated areas of Sumter County (11-04-6000P).	September 8, 2011; September 15, 2011; <i>The Sumter County Times</i> .	The Honorable Don Burgess, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	August 30, 2011 .....	120296
Nevada:					
Clark .....	City of Las Vegas (11-09-0799P).	September 1, 2011; September 8, 2011; <i>The Las Vegas Review-Journal</i> .	The Honorable Oscar B. Goodman, Mayor, City of Las Vegas, 400 Stewart Avenue, 10th Floor, Las Vegas, NV 89101.	January 6, 2012 .....	325276
Clark .....	City of North Las Vegas (11-09-0799P).	September 1, 2011; September 8, 2011; <i>The Las Vegas Review-Journal</i> .	The Honorable Shari L. Buck, Mayor, City of North Las Vegas, 2200 Civic Center Drive, North Las Vegas, NV 89030.	January 6, 2012 .....	320007
South Carolina:					
Dorchester .....	Unincorporated areas of Dorchester County (10-04-8306P).	August 24, 2011; August 31, 2011; <i>The Summerville Journal Scene</i> .	The Honorable Larry S. Hargett, Chairman, Dorchester County Council, 201 Johnston Street, Dorchester, SC 29477.	December 29, 2011 .....	450068
Spartanburg .....	Unincorporated areas of Spartanburg County (11-04-4008P).	September 8, 2011; September 15, 2011; <i>The Spartanburg Herald-Journal</i> .	The Honorable Jeffrey A. Horton, Chairman, Spartanburg County Council, 366 North Church Street, Suite 1000, Spartanburg, SC 29303.	August 30, 2011 .....	450176
Tennessee:					
Tipton .....	City of Munford (11-04-1663P).	June 16, 2011; June 23, 2011; <i>The Leader</i> .	The Honorable Dwayne Cole, Mayor, City of Munford, 1397 Munford Avenue, Munford, TN 38058.	October 21, 2011 .....	470422
Tipton .....	Unincorporated areas of Tipton County (11-04-1663P).	June 16, 2011; June 23, 2011; <i>The Leader</i> .	The Honorable Jeff Huffman, Tipton County Executive, 220 U.S. Route 51 North, Suite 2, Covington, TN 38019.	October 21, 2011 .....	470340
Wyoming:					
Fremont .....	City of Lander (11-08-0099P).	September 11, 2011; September 18, 2011; <i>The Lander Journal</i> .	The Honorable Mick Wolfe, Mayor, City of Lander, 240 Lincoln Street, Lander, WY 82520.	January 16, 2012 .....	560020

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

Dated: November 18, 2011.

**Sandra K. Knight,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2011-31271 Filed 12-5-11; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2011-0002]

#### 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 (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.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>Boone County, Indiana, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1148</b>			
Etter Ditch .....	Approximately 530 feet downstream of Wilson Road .....	+914	Town of Whitestown, Unincorporated Areas of Boone County.
Fishback Creek .....	Just upstream of Indianapolis Road .....	+928	City of Lebanon, Town of Whitestown, Unincorporated Areas of Boone County.
	Approximately 0.53 mile downstream of County Road 550 South.	+897	
Green Ditch .....	Approximately 0.61 mile upstream of County Road 400 East.	+949	Town of Whitestown.
	At the confluence with Etter Ditch ..... Just upstream of South Cozy Lane .....	+916 +922	