

TABLE 2—STATUS OF REQUIREMENTS FOR THE PROPOSED DFW 1997 8-HOUR OZONE SERIOUS NONATTAINMENT AREA—Continued

Requirement	Status	Action needed or date approved by EPA
Transportation control 182(c)(5) .....	Transportation controls in place under the 1997 8-hr ozone moderate nonattainment area SIP.	Adopt transportation controls as needed in the serious nonattainment area and submit to EPA for approval.
50 tpy threshold for VOCs 182(c) .....	Implemented in all 9 counties .....	July 17, 2008 (73 FR 40972).
50 tpy threshold for NO <sub>x</sub> .....	Implemented in all 9 counties .....	December 3, 2008 (73 FR 73562).
De minimis rule 182(c)(6) .....	Implemented in core counties .....	Must be expanded to all 9 counties.
Special rule for modifications of sources emitting less than 100 tons. 182(c)(7).	Implemented in core counties .....	Must be expanded to all 9 counties.
Special rule for modifications of sources emitting 100 tons or more. 182(c)(8).	Implemented in core counties .....	Must be expanded to all 9 counties.
Contingency provisions 182(c)(9) .....	Due 1 year from the effective date of the final rulemaking for this action.	Must be submitted to EPA for approval.
Offsets of 1.2 to 1 182(c)(10) .....	Implemented in core counties .....	Must be expanded to all 9 counties.
Stage II vapor recovery .....	Implemented in core counties .....	Submit evidence of widespread use or expand Stage II SIP to all 9 counties. <sup>4</sup>

#### IV. Proposed Action

Pursuant to section 181(b)(2) of the Act, EPA is proposing to determine, based on certified, quality-assured monitoring data for 2007–2009, that the DFW area did not attain the 1997 8-hour ozone standard by the applicable June 15, 2010 attainment deadline. If EPA finalizes this determination, upon the effective date of the final determination DFW will be reclassified by operation of law as a serious 1997 8-hour ozone nonattainment area. Pursuant to section 182(i) of the Act, EPA is also proposing the schedule for submittal of the SIP revisions required for serious areas once the DFW area is reclassified. We propose that Texas submit the required SIP revisions for the serious attainment demonstration, RFP, RACT, contingency measures, and for all other serious area measures required under CAA section 182(c) to EPA no later than one year after the effective date of the final rulemaking for this reclassification; except that we propose that Texas submit the required SIP revision for the Stage II vapor recovery to EPA no later than two years after the effective date of the final rulemaking for this reclassification, pursuant to section 182(b)(3)(A) of the Act.

#### V. Statutory and Executive Order Reviews

Under section 181(b)(2) of the CAA, a determination of nonattainment is a factual determination based upon air quality considerations and the resulting reclassification must occur by operation of law. A determination of nonattainment and the resulting

reclassification of a nonattainment area by operation of law under section 181(b)(2) does not in and of itself create any new requirements, but rather applies the requirements contained in the Clean Air Act. For these reasons, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using

practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: July 28, 2010.

**Lawrence E. Starfield,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 2010–19574 Filed 8–6–10; 8:45 am]

**BILLING CODE 6560–50–P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1060]

#### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule; correction.

**SUMMARY:** On July 2, 2009, FEMA published in the **Federal Register** a proposed rule that contained an erroneous table. This notice provides corrections to that table, to be used in

<sup>7</sup> In 2005, the Texas Legislature repealed the Texas Clean Fuel Fleet substitute program. As a result, Texas must submit an equivalency demonstration. See 75 FR 27514, beginning on page 27524 (May 17, 2010).

lieu of the information published at 74 FR 31656. The table provided here represents the flooding sources, location of referenced elevations, effective and modified elevations, and communities affected for Cumberland County, Maine (All Jurisdictions). Specifically, it addresses the following flooding sources: Atlantic Ocean, Bonny Eagle Pond, Casco Bay, Crescent Lake, Dock Brook, Elkins Brook, Fore River, Highland Lake, Jackson Brook, Presumpscot River, and Saco Bay.

**DATES:** Comments are to be submitted on or before November 8, 2010.

**ADDRESSES:** You may submit comments, identified by Docket No. FEMA-B-1060, to Kevin C. Long, Acting Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820 or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Kevin C. Long, Acting Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW.,

Washington, DC 20472, (202) 646-2820 or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. 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 proposed elevations 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.

**Corrections**

In the proposed rule published at 74 FR 31656, in the July 2, 2009, issue of the **Federal Register**, FEMA published a table under the authority of 44 CFR 67.4. The table, entitled "Cumberland County, Maine, and Incorporated Areas" addressed the following flooding sources: Atlantic Ocean, Casco Bay, Crescent Lake, Fore River, Jackson Brook, Presumpscot River, and Saco Bay. That table contained inaccurate information as to the location of referenced elevation, effective and modified elevation in feet, or communities affected for these flooding sources. In addition, it did not include the following flooding sources: Bonny Eagle Pond, Dock Brook, Elkins Brook, and Highland Lake. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

Flooding Source(s)	Location of Referenced Elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities Affected
		Effective	Modified	
<b>Cumberland County, Maine (All Jurisdictions)</b>				
Atlantic Ocean .....	Along the shoreline at the intersection of Hannaford Cove Road, Cunner Lane, and Rocky Point Lane.	+8	+12	Town of Cape Elizabeth.
	Along the shoreline, approximately 1,050 feet east of the intersection of Shore Road and Dyer Pond Road.	None	+42	
Bonny Eagle Pond .....	Entire shoreline within the Town of Standish .....	None	+268	Town of Standish.
Casco Bay .....	Along the shoreline, approximately 625 feet south of the intersection of Tondreau Point Road and Birch Run.	+8	+10	City of Portland, City of South Portland, Town of Cape Elizabeth, Town of Cumberland, Town of Harpswell.
	Along the shoreline, approximately 100 feet east of the intersection of Bluff Road and Cloyster Road.	None	+41	
Crescent Lake .....	Along the shoreline at Edwards Road .....	None	+278	Town of Casco.
Dock Brook .....	Just upstream of the confluence with Kezar Pond .....	None	+384	Town of Bridgton.
	Approximately 1.1 mile northwest of the intersection of White Mountain Way and Davids View, at the Town of Bridgton corporate limits.	None	+384	
Elkins Brook .....	Just upstream of the confluence with Kezar Pond .....	None	+384	Town of Bridgton.
	Approximately 1,400 feet northeast of High Street, at the Town of Bridgton corporate limits.	None	+384	
Fore River .....	Along the shoreline, at the terminus of Holyoke Wharf	+9	+10	City of Portland, City of South Portland.
	Along the shoreline, at the terminus of Portland Street.	None	+13	
Highland Lake .....	Entire shoreline within the Town of Windham .....	None	+192	Town of Windham.
Jackson Brook .....	Approximately 1,500 feet south of the intersection of Thomas Drive and County Road.	None	+45	City of Portland.
Presumpscot River .....	Approximately 1,250 feet west of the intersection of Cardinal Lane and River Road.	None	+225	Town of Standish.

Flooding Source(s)	Location of Referenced Elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities Affected
		Effective	Modified	
Saco Bay .....	Along the shoreline, approximately 1,200 feet west of the intersection of Ferry Road and Black Point Road.	None	+12	Town of Scarborough.
	Along the shoreline at the intersection of Black Point Road and Whittier Lane.	+8	+24	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Portland

Maps are available for inspection at City Hall, 389 Congress Street, Portland, ME 04101.

##### City of South Portland

Maps are available for inspection at City Hall, 25 Cottage Road, South Portland, ME 04106.

##### Town of Bridgton

Maps are available for inspection at 3 Chase Street, Bridgton, ME 04009.

##### Town of Cape Elizabeth

Maps are available for inspection at the Town Hall, 320 Ocean House Road, Cape Elizabeth, ME 04107.

##### Town of Casco

Maps are available for inspection at the Town Hall, 635 Meadow Road, Casco, ME 04015.

##### Town of Cumberland

Maps are available for inspection at the Town Hall, 290 Tuttle Road, Cumberland, ME 04021.

##### Town of Harpswell

Maps are available for inspection at the Town Hall, 263 Mountain Road, Harpswell, ME 04079.

##### Town of Scarborough

Maps are available for inspection at the Town Hall, 259 U.S. Route 1, Scarborough, ME 04074.

##### Town of Standish

Maps are available for inspection at the Town Office, 175 Northeast Road, Standish, ME 04084.

##### Town of Windham

Maps are available for inspection at 8 School Road, Windham, ME 04062.

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

Dated: July 29, 2010.

**Sandra K. Knight,**

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

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#### DEPARTMENT OF TRANSPORTATION

##### Office of the Secretary

##### 49 CFR Parts 27, 37, and 38

[Docket No. OST-2006-23985]

RIN 2105-AD54

##### Transportation for Individuals With Disabilities

**AGENCY:** Office of the Secretary (OST), U.S. Department of Transportation (DOT).

**ACTION:** Notice of Public Meeting and Extension of Comment period.

**SUMMARY:** The Department of Transportation is holding a public meeting on August 20, 2010, concerning the Department's pending rulemaking to amend its Americans with Disabilities Act (ADA) rules. In connection with the meeting, the comment period on this

will be reopened briefly, from August 19-25, 2010.

**DATES:** The public meeting will be held on August 20, 2010. The reopened comment period on the rulemaking will extend from August 19 through August 25, 2010.

**ADDRESSES:** You may submit comments (identified by the agency name and DOT Docket ID Number OST-2006-23985) by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between