

not affect the level of protection provided to human health or the environment. This rule amends 40 CFR part 35 subpart O by allowing interim progress reports to be due in 60 days, instead of the current 30-day requirement. In addition, this amendment allows the recipient of a Superfund State Contract to request that EPA apply any overpayment of cost share to another site. The regulation 40 CFR part 35 subpart O codified: (1) Recipient requirements for administering Cooperative Agreements awarded pursuant to section 104(d)(1) of CERCLA; and (2) requirements for administering Superfund State Contracts for non-State-lead remedial responses undertaken pursuant to section 104 of CERCLA.

#### 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 and other required information 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. While this action is not a "major rule" as defined by 5 U.S.C. 804(2), the final rule becomes effective 60 days after publication in the **Federal Register** on October 12, 2010.

#### List of Subjects in 40 CFR Part 35

Administrative practices and procedures, Environmental protection, Grant programs—environmental protection, Reporting and recordkeeping.

Dated: August 9, 2010.

**Lisa P. Jackson**,  
Administrator.

■ For the reasons set out in the preamble, 40 CFR part 35 is amended as follows:

#### PART 35—STATE AND LOCAL ASSISTANCE

■ 1. The authority citation for 40 CFR part 35, subpart O continues to read as follows:

**Authority:** 42 U.S.C. 9601 *et seq.*

#### Subpart O—Cooperative Agreements and Superfund State Contracts for Superfund Response Actions

■ 2. Amend § 35.6650 by revising paragraph (a) to read as follows:

##### § 35.6650 Progress reports.

(a) *Reporting frequency.* The recipient must submit progress reports as specified in the Cooperative Agreement. Progress reports will be required no more frequently than quarterly, and will be required at least annually. Notwithstanding 40 CFR 31.41(b)(1), the reports shall be due within 60 days after the reporting period. The final progress report shall be due 90 days after expiration or termination of the Cooperative Agreement.

\* \* \* \* \*

■ 3. Amend § 35.6670 by revising paragraph (b)(2)(i) to read as follows:

##### § 35.6670 Financial reports.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(i) If a Financial Status Report is required annually, the report is due 90 days after the end of the Federal fiscal year or as specified in the Cooperative Agreement. If quarterly or semiannual Financial Status Reports are required, reports are due in accordance with 40 CFR 31.41(b)(4);

\* \* \* \* \*

■ 4. Amend § 35.6805 by revising paragraph (k) to read as follows:

##### § 35.6805 Contents of an SSC.

\* \* \* \* \*

(k) *Reconciliation provision*, which states that the SSC remains in effect until the financial settlement of project costs and final reconciliation of response costs (including all change orders, claims, overmatch of cost share, reimbursements, etc.) ensures that both EPA and the State have satisfied the cost share requirement contained in section 104 of CERCLA, as amended. The recipient may direct EPA to return the overmatch or to use the excess cost share payment at one site to meet the cost share obligation at another site in accordance with § 35.6285(d). Reimbursements for any overmatch will be made to the recipient identified in the SSC.

\* \* \* \* \*

[FR Doc. 2010-20086 Filed 8-12-10; 8:45 am]

**BILLING CODE 6560-50-P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-8141]

#### Suspension of Community Eligibility

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

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES: Effective Dates:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance

with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This

prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act.** This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act.** The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be

available in the communities unless remedial action takes place.

**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 rule involves no policies that have federalism implications under Executive Order 13132.

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

**Paperwork Reduction Act.** This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for part 64 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.

**§ 64.6 [Amended]**

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region IV</b>				
Alabama:				
Kinston, Town of, Coffee County .....	010237	October 8, 1975, Emerg; December 30, 1977, Reg; August 19, 2010, Susp.	August 19, 2010 ..	August 19, 2010.
New Brockton, Town of, Coffee County.	010238	January 12, 1976, Emerg; July 22, 1977, Reg; August 19, 2010, Susp.	.....do .....	Do.
Georgia:				
Abbeville, City of, Dodge and Wilcox Counties.	130195	N/A, Emerg; May 26, 1998, Reg; August 19, 2010, Susp.	.....do .....	Do.
Alamo, City of, Wheeler County .....	130507	September 22, 1994, Emerg; August 19, 2010, Reg; August 19, 2010, Susp.	.....do .....	Do.
Centralhatchee, Town of, Heard County.	130257	October 6, 1986, Emerg; May 1, 1988, Reg; August 19, 2010, Susp.	.....do .....	Do.
Dodge County, Unincorporated Areas	130523	N/A, Emerg; July 9, 1998, Reg; August 19, 2010, Susp.	.....do .....	Do.
Franklin, City of, Heard County .....	130106	July 7, 1975, Emerg; July 17, 1986, Reg; August 19, 2010, Susp.	.....do .....	Do.
Glenwood, City of, Wheeler County ...	130419	January 6, 2004, Emerg; August 1, 2004, Reg; August 19, 2010, Susp.	.....do .....	Do.
Hazlehurst, City of, Jeff Davis County	130114	January 14, 1974, Emerg; August 1, 1979, Reg; August 19, 2010, Susp.	.....do .....	Do.
Heard County, Unincorporated Areas	130105	April 11, 1985, Emerg; August 1, 1986, Reg; August 19, 2010, Susp.	.....do .....	Do.
Jeff Davis County, Unincorporated Areas.	130113	N/A, Emerg; February 14, 2005, Reg; August 19, 2010, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Lumber City, City of, Telfair County ...	130167	September 5, 1975, Emerg; September 29, 1986, Reg; August 19, 2010, Susp.	.....do .....	Do.
Lyons, City of, Toombs County .....	130223	June 2, 1976, Emerg; May 15, 1986, Reg; August 19, 2010, Susp.	.....do .....	Do.
Montgomery County, Unincorporated Areas.	130139	October 3, 1994, Emerg; August 19, 2010, Reg; August 19, 2010, Susp.	.....do .....	Do.
Mount Vernon, City of, Montgomery County.	130140	July 25, 1975, Emerg; August 19, 1986, Reg; August 19, 2010, Susp.	.....do .....	Do.
Toombs County, Unincorporated Areas.	130173	N/A, Emerg; October 31, 1991, Reg; August 19, 2010, Susp.	.....do .....	Do.
Treutlen County, Unincorporated Areas.	130175	January 22, 1999, Emerg; August 19, 2010, Reg; August 19, 2010, Susp.	.....do .....	Do.
Uvalda, City of, Montgomery County ..	130361	February 28, 1980, Emerg; July 9, 1982, Reg; August 19, 2010, Susp.	.....do .....	Do.
Wheeler County, Unincorporated Areas.	130190	October 11, 1994, Emerg; August 19, 2010, Reg; August 19, 2010, Susp.	.....do .....	Do.
Wilcox County, Unincorporated Areas	130524	N/A, Emerg; April 16, 1998, Reg; August 19, 2010, Susp.	.....do .....	Do.
Kentucky: Jamestown, City of, Russell County.	210206	September 5, 1975, Emerg; June 25, 1976, Reg; August 19, 2010, Susp.	.....do .....	Do.
Mississippi:				
Bruce, City of .....	280026	February 5, 1975, Emerg; June 18, 1987, Reg; August 19, 2010, Susp.	.....do .....	Do.
Calhoun County .....	280027	March 19, 1975, Emerg; June 18, 1987, Reg; August 19, 2010, Susp.	.....do .....	Do.
Calhoun City, City of, Calhoun County	280288	March 28, 1975, Emerg; January 3, 1990, Reg; August 19, 2010, Susp.	.....do .....	Do.
Calhoun County, Unincorporated Areas.	280217	September 21, 1979, Emerg; September 1, 1987, Reg; August 19, 2010, Susp.	.....do .....	Do.
Derma, Town of, Calhoun County .....	280218	March 19, 1975, Emerg; August 5, 1985, Reg; August 19, 2010, Susp.	.....do .....	Do.
Pittsboro, Town of, Calhoun County ...	280348	August 14, 2000, Emerg; August 19, 2010, Reg; August 19, 2010, Susp.	.....do .....	Do.
Pontotoc, City of, Pontotoc County ....	280234	July 22, 1977, Emerg; February 1, 1987, Reg; August 19, 2010, Susp.	.....do .....	Do.
Pontotoc County, Unincorporated Areas.	280296	December 21, 1978, Emerg; September 4, 1985, Reg; August 19, 2010, Susp.	.....do .....	Do.
Sherman, Town of, Lee, Pontotoc and Union Counties.	280327	N/A, Emerg; November 11, 1994, Reg; August 19, 2010, Susp.	.....do .....	Do.
Vardaman, Town of, Calhoun County				
<b>Region V</b>				
Ohio:				
Clarington, Village of, Monroe County	390405	July 7, 1975, Emerg; November 16, 1983, Reg; August 19, 2010, Susp.	.....do .....	Do.
Monroe County, Unincorporated Areas.	390404	February 11, 1977, Emerg; February 15, 1984, Reg; August 19, 2010, Susp.	.....do .....	Do.
Wisconsin:				
Durand, City of .....	550320	April 13, 1973, Emerg; June 1, 1977, Reg; August 19, 2010, Susp.	.....do .....	Do.
Pepin County .....	555569	April 23, 1971, Emerg; May 26, 1977, Reg; August 19, 2010, Susp.	.....do .....	Do.
Pepin, Village of, Pepin County .....	555570	April 9, 1971, Emerg; December 16, 1972, Reg; August 19, 2010, Susp.	.....do .....	Do.
Pepin County, Unincorporated Areas	555581	April 23, 1971, Emerg; December 8, 1972, Reg; August 19, 2010, Susp.	.....do .....	Do.
Stockholm, Village of, Pepin County ..				
<b>Region VI</b>				
New Mexico:				
Los Lunas, Village of, Valencia County.	350144	May 1, 1979, Emerg; October 13, 1987, Reg; August 19, 2010, Susp.	.....do .....	Do.
Valencia County, Unincorporated Areas.	350086	April 13, 1979, Emerg; July 2, 1991, Reg; August 19, 2010, Susp.	.....do .....	Do.
Oklahoma:				
Davenport, Town of, Lincoln County ..	400365	June 30, 1976, Emerg; October 31, 1978, Reg; August 19, 2010, Susp.	.....do .....	Do.
Hennessey, Town of, Kingfisher County.	400389	N/A, Emerg; August 26, 2005, Reg; August 19, 2010, Susp.	.....do .....	Do.
Kickapoo, Tribe of Oklahoma, Lincoln, Oklahoma and Pottawatomie Counties.	400563	February 26, 2002, Emerg; August 19, 2010, Reg; August 19, 2010, Susp.	.....do .....	Do.
Kingfisher, City of, Kingfisher County	400082	December 23, 1971, Emerg; September 30, 1976, Reg; August 19, 2010, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Kingfisher County, Unincorporated Areas.	400471	January 9, 1987, Emerg; September 18, 1991, Reg; August 19, 2010, Susp.	.....do .....	Do.
Lincoln County, Unincorporated Areas	400457	September 28, 1990, Emerg; February 3, 1993, Reg; August 19, 2010, Susp.	.....do .....	Do.
Piedmont, City of, Canadian and Kingfisher Counties.	400027	February 4, 1985, Emerg; February 4, 1985, Reg; August 19, 2010, Susp.	.....do .....	Do.
Prague, City of, Lincoln County .....	400435	April 21, 1977, Emerg; September 4, 1985, Reg; August 19, 2010, Susp.	.....do .....	Do.
<b>Region VIII</b>				
Colorado:				
Bayfield, Town of, La Plata County ....	080098	June 27, 1975, Emerg; September 29, 1978, Reg; August 19, 2010, Susp.	.....do .....	Do.
Cedaredge, Town of, Delta County ....	080304	May 27, 1993, Emerg; May 21, 2009, Reg; August 19, 2010, Susp.	.....do .....	Do.
Delta, City of, Delta County .....	080043	August 2, 1974, Emerg; June 1, 1984, Reg; August 19, 2010, Susp.	.....do .....	Do.
Delta County, Unincorporated Areas ..	080041	April 9, 1979, Emerg; March 15, 1984, Reg; August 19, 2010, Susp.	.....do .....	Do.
Durango, City of, La Plata County .....	080099	April 30, 1974, Emerg; January 17, 1979, Reg; August 19, 2010, Susp.	.....do .....	Do.
La Plata County, Unincorporated Areas.	080097	December 12, 1974, Emerg; December 15, 1981, Reg; August 19, 2010, Susp.	.....do .....	Do.
Orchard City, City of, Delta County ....	080258	May 16, 1983, Emerg; May 16, 1983, Reg; August 19, 2010, Susp.	.....do .....	Do.
Paonia, Town of, Delta County .....	080045	June 10, 1975, Emerg; March 16, 1983, Reg; August 19, 2010, Susp.	.....do .....	Do.
North Dakota:				
McLean County, Unincorporated Areas.	380057	July 12, 1982, Emerg; June 4, 1987, Reg; August 19, 2010, Susp.	.....do .....	Do.
Three Affiliated Tribes, Fort Berthold Reservation, McLean County.	380721	August 23, 2000, Emerg; August 19, 2010, Reg; August 19, 2010, Susp.	.....do .....	Do.

\*-do- = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: August 4, 2010.

**Edward L. Connor,**

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

[FR Doc. 2010-20006 Filed 8-12-10; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 100513223-0289-02]

**RIN 0648-AY88**

**Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fisheries; 2010 Atlantic Deep-Sea Red Crab Specifications In-season Adjustment**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** This rule adjusts the target total allowable catch (TAC) and corresponding fleet days-at-sea (DAS) allocation for the Atlantic deep-sea red crab fishery that were implemented in May 2010. This adjustment is consistent with the most recent recommendation by the New England Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) and the implementing regulations for the Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP) allowing NMFS to make an in-season adjustment to the specifications, after consulting with the Council. In May 2010, NMFS finalized the fishing year (FY) 2010 specifications for the red crab fishery, including a target TAC and a fleet-wide DAS allocation.

**DATES:** This rule is effective on September 13, 2010.

**ADDRESSES:** Copies of the specifications document, including the Supplemental Environmental Assessment and Supplemental Regulatory Flexibility Analysis and other supporting documents for the in-season adjustment, are available from Patricia A. Kurkul, Regional Administrator, NMFS,

Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Moira Kelly, Fishery Policy Analyst, (978) 281-9218.

**SUPPLEMENTARY INFORMATION:**

**Background**

For FY 2010, the Council was required by the FMP to establish specifications for the red crab fishery consistent with the best available scientific information. In September 2009, the Council's SSC recommended a maximum sustainable yield (MSY) for red crab within the range 3.75-4.19 million lb (1,700-1,900 mt), which was consistent with the most recent stock assessment (conducted by the Northeast Fisheries Science Center's 2008 Data Poor Stocks Working Group), and recommended that the interim acceptable biological catch (ABC) be set commensurate with recent catch. At the time, the SSC determined recent catch to be the amount of red crab landed in FY 2007, which was 2.83 million lb (1,284 mt). However, the landings in FY 2007 were the lowest since the implementation of the FMP in 2002, and so, during the Council's review of the