

purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve NO<sub>x</sub> as a precursor to ozone in Virginia may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by

reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 22, 2011.  
**W.C. Early,**  
*Acting, Regional Administrator, Region III.*

40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for 40 CFR part 52 continues to read as follows:

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

**Subpart VV—Virginia**

■ 2. In § 52.2420, the table in paragraph (c) is amended by revising the entries for Sections 5–80–1615 and 5–80–1695 to read as follows:

**§ 52.2420 Identification of plan.**

\* \* \* \* \*  
 (c) \* \* \*

**EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES**

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
* * * * *				
<b>9 VAC 5, Chapter 80 Permits for Stationary Sources</b>				
* * * * *				
<b>Article 8 Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration (PSD) Areas</b>				
5–80–1615	Definitions	12/31/08	9/2/11 [Insert page number where the document begins].	Adds NO <sub>x</sub> as a precursor to ozone. Limited approval remains in effect.
5–80–1695	Exemptions	12/31/08	9/2/11 [Insert page number where the document begins].	Adds NO <sub>x</sub> as a precursor to ozone. Limited approval remains in effect.
* * * * *				

\* \* \* \* \*  
 [FR Doc. 2011–22448 Filed 9–1–11; 8:45 am]  
**BILLING CODE 6560–50–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–8193]

**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: Marion, City of, Perry County .....	010313	December 12, 1974, Emerg; June 17, 1986, Reg; September 2, 2011, Susp.	Sept. 2, 2011 ....	Sept. 2, 2011
Mississippi:				
Braxton, Village of, Simpson County .....	280156	September 19, 2007, Emerg; N/A, Reg; September 2, 2011, Susp.	.....do* .....	Do.
Clarke County, Unincorporated Areas ...	280220	April 26, 1979, Emerg; August 16, 1988, Reg; September 2, 2011, Susp.	.....do .....	Do.
D'Lo, Town of, Simpson County .....	280157	June 2, 1975, Emerg; December 16, 1980, Reg; September 2, 2011, Susp.	.....do .....	Do.
Enterprise, Town of, Clarke County .....	280314	April 26, 1979, Emerg; January 1, 1987, Reg; September 2, 2011, Susp.	.....do .....	Do.
Magee, City of, Simpson County .....	280158	December 20, 1974, Emerg; August 15, 1980, Reg; September 2, 2011, Susp.	.....do .....	Do.
Mendenhall, City of, Simpson County ...	280159	October 19, 1973, Emerg; September 30, 1980, Reg; September 2, 2011, Susp.	.....do .....	Do.
Pachuta, Town of, Clarke County .....	280219	March 6, 1979, Emerg; November 18, 2010, Reg; September 2, 2011, Susp.	.....do .....	Do.
Quitman, City of, Clarke County .....	280319	April 26, 1979, Emerg; January 1, 1986, Reg; September 2, 2011, Susp.	.....do .....	Do.
Shubuta, Town of, Clarke County .....	280034	January 17, 1979, Emerg; September 1, 1991, Reg; September 2, 2011, Susp.	.....do .....	Do.
Simpson County, Unincorporated Areas	280281	June 15, 1979, Emerg; September 30, 1980, Reg; September 2, 2011, Susp.	.....do .....	Do.
Stonewall, Town of, Clarke County .....	280035	March 31, 1975, Emerg; August 16, 1988, Reg; September 2, 2011, Susp.	.....do .....	Do.
<b>Region V</b>				
Indiana:				
Brazil, City of, Clay County .....	180511	September 30, 1993, Emerg; May 12, 1995, Reg; September 2, 2011, 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
Clay County, Unincorporated Areas .....	180408	June 6, 2003, Emerg; May 1, 2010, Reg; September 2, 2011, Susp.	.....do .....	Do.
<b>Ohio:</b>				
North Baltimore, Village of, Wood County.	390587	July 3, 1975, Emerg; September 2, 1982, Reg; September 2, 2011, Susp.	.....do .....	Do.
Pemberville, Village of, Wood County ...	390624	August 5, 1975, Emerg; August 2, 1982, Reg; September 2, 2011, Susp.	.....do .....	Do.
Portage, Village of, Wood County .....	390754	May 6, 1976, Emerg; April 15, 1982, Reg; September 2, 2011, Susp.	.....do .....	Do.
Rossford, City of, Wood County .....	390589	August 27, 1975, Emerg; May 2, 1983, Reg; September 2, 2011, Susp.	.....do .....	Do.
Wisconsin: Bagley, Village of, Grant County.	550145	July 25, 1975, Emerg; June 17, 1986, Reg; September 2, 2011, Susp.	.....do .....	Do.
Bloomington, Village of, Grant County ..	550146	August 1, 1975, Emerg; August 19, 1986, Reg; September 2, 2011, Susp.	.....do .....	Do.
Blue River, Village of, Grant County .....	550147	N/A, Emerg; July 2, 2009, Reg; September 2, 2011, Susp.	.....do .....	Do.
Boscobel, City of, Grant County .....	550148	November 27, 1981, Emerg; November 27, 1981, Reg; September 2, 2011, Susp.	.....do .....	Do.
Cassville, Village of, Grant County .....	555548	April 23, 1971, Emerg; February 19, 1972, Reg; September 2, 2011, Susp.	.....do .....	Do.
Grant County, Unincorporated Areas ....	555557	March 26, 1971, Emerg; May 25, 1973, Reg; September 2, 2011, Susp.	.....do .....	Do.
Lancaster, City of, Grant County .....	550150	March 24, 1975, Emerg; August 5, 1986, Reg; September 2, 2011, Susp.	.....do .....	Do.
Muscoda, Village of, Grant County .....	550153	October 25, 1974, Emerg; September 8, 1999, Reg; September 2, 2011, Susp.	.....do .....	Do.
Platteville, City of, Grant County .....	550154	June 24, 1975, Emerg; September 29, 1996, Reg; September 2, 2011, Susp.	.....do .....	Do.
Potosi, Village of, Grant County .....	550155	August 23, 2001, Emerg; N/A, Reg; September 2, 2011, Susp.	.....do .....	Do.
<b>Region VI</b>				
Louisiana: Winnsboro, Town of, Franklin Parish.	220074	May 2, 1973, Emerg; September 1, 1978, Reg; September 2, 2011, Susp.	.....do .....	Do.
<b>Region VII</b>				
<b>Kansas:</b>				
Edwardsville, City of, Wyandotte County.	200362	May 13, 1975, Emerg; September 29, 1978, Reg; September 2, 2011, Susp.	.....do .....	Do.
Kansas City, City of, Wyandotte County	200363	December 10, 1974, Emerg; August 3, 1981, Reg; September 2, 2011, Susp.	.....do .....	Do.
<b>Region VIII</b>				
<b>Colorado:</b>				
Del Norte, Town of, Rio Grande County	080154	August 9, 1974, Emerg; September 30, 1982, Reg; September 2, 2011, Susp.	.....do .....	Do.
Monte Vista, City of, Rio Grande County.	080155	May 27, 1975, Emerg; September 30, 1982, Reg; September 2, 2011, Susp.	.....do .....	Do.
Rio Grande County, Unincorporated Areas.	080153	June 25, 1975, Emerg; May 19, 1987, Reg; September 2, 2011, Susp.	.....do .....	Do.
South Fork, Town of, Rio Grande County.	080318	N/A, Emerg; June 5, 1995, Reg; September 2, 2011, Susp.	.....do .....	Do.
<b>Montana:</b>				
Belgrade, City of, Gallatin County .....	300105	July 9, 1997, Emerg; N/A, Reg; September 2, 2011, Susp.	.....do .....	Do.
Bozeman, City of, Gallatin County .....	300028	May 12, 1975, Emerg; March 15, 1982, Reg; September 2, 2011, Susp.	.....do .....	Do.
Gallatin County, Unincorporated Areas	300027	November 20, 1975, Emerg; August 1, 1984, Reg; September 2, 2011, Susp.	.....do .....	Do.
Three Forks, City of, Gallatin County ....	300029	August 1, 1975, Emerg; November 19, 1980, Reg; September 2, 2011, Susp.	.....do .....	Do.

\*do = Ditto.

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

Dated: August 15, 2011.

**Edward L. Connor,**

*Deputy Administrator, Insurance, Federal Insurance and Mitigation Administration.*

[FR Doc. 2011-22466 Filed 9-1-11; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket ID FWS-R2-ES-2011-0069; 92220-1113-0000; ABC Code: C6]

RIN 1018-AX08

#### **Endangered and Threatened Wildlife and Plants; Bald Eagles Nesting in Sonoran Desert Area of Central Arizona Removed From the List of Endangered and Threatened Wildlife**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are issuing a final rule to comply with a court order that removed regulatory protections under the Endangered Species Act of 1973, as amended (Act), for the bald eagles nesting in the Sonoran Desert area of central Arizona. On July 9, 2007, we published a final rule to remove bald eagles in the lower 48 States from the List of Endangered and Threatened Wildlife (List) due to recovery. However, the United States District Court for the District of Arizona, by order dated March 6, 2008, enjoined the Service from removing the bald eagles nesting in the Sonoran Desert area of central Arizona from the threatened species list under the Act pending the Service's status review and 12-month finding on a petition to classify the bald eagles nesting in the Sonoran Desert area of central Arizona as a distinct population segment (DPS), list this DPS as endangered, and designate critical habitat. On May 1, 2008, to conform to the court's order, we published a final rule listing the potential Sonoran Desert bald eagle DPS as threatened under the Act. On February 25, 2010, the Service published its 12-month finding determining that the bald eagles nesting in the Sonoran Desert area of central Arizona did not qualify as a DPS and were, therefore, not a listable entity under the Act. On September 30, 2010, as a result of the Service's completed status review and publication of the 12-month finding, the United States District Court for the District of Arizona lifted the injunction. We are issuing this

final rule to amend the regulations for the Federal Lists of Endangered and Threatened Wildlife by removing the bald eagles nesting in the Sonoran Desert area of central Arizona from the list. This action amends the CFR to reflect the September 30, 2010, court order.

**DATES:** This rule amending the CFR to reflect the September 30, 2010, court order is effective September 2, 2011. However, the court order reinstating the provisions of the delisting rule for the bald eagles nesting in the Sonoran Desert area of central Arizona had legal effect immediately upon being filed on September 30, 2010.

**ADDRESSES:** This final rule is available on the Internet at <http://www.regulations.gov> at Docket No. FWS-R2-ES-2011-0069.

**FOR FURTHER INFORMATION CONTACT:** Steve Spangle, Field Supervisor, Arizona Ecological Services Field Office, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021; telephone, 602-242-0210; facsimile, 602-242-2513. Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at (800) 877-8337 for TTY.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Bald eagles (*Haliaeetus leucocephalus*) gained protection under the Bald Eagle Protection Act (16 U.S.C. 668-668d) in 1940 and the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712) in 1972. A 1962 amendment to the Bald Eagle Protection Act added protection for the golden eagle (*Aquila chrysaetos*), and the amended statute became known as the Bald and Golden Eagle Protection Act (BGEPA). On February 14, 1978, the Service listed the bald eagle as an endangered species under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) in 43 of the contiguous States, and as a threatened species in the States of Michigan, Minnesota, Wisconsin, Oregon, and Washington (43 FR 6230). On July 12, 1995, we published a final rule to reclassify the bald eagle from endangered to threatened in the 43 States where it had been listed as endangered and retain the threatened status for the other five States (60 FR 36000).

On July 6, 1999, we published a proposed rule to delist the bald eagle throughout the lower 48 States due to recovery (64 FR 36454). On February 16, 2006, we reopened the public comment period to consider new information received on our July 6, 1999 (71 FR 8238), proposed rule to delist the bald

eagle in the lower 48 States. On October 6, 2004, we received a petition from the Center for Biological Diversity (CBD), the Maricopa Audubon Society, and the Arizona Audubon Council requesting that the "Southwestern desert nesting bald eagle population" be classified as a distinct population segment (DPS) under the Act, that this DPS be reclassified from a threatened species to an endangered species, and that we concurrently designate critical habitat for the DPS under the Act. We announced in our 90-day finding on August 30, 2006 (71 FR 51549), that the petition did not present substantial scientific or commercial information indicating that the petitioned action may be warranted.

On January 5, 2007, the CBD and the Maricopa Audubon Society (Plaintiffs) filed a lawsuit challenging the Service's 90-day finding that the bald eagles nesting in the Sonoran Desert area of central Arizona did not qualify as a DPS, and further challenging the Service's 90-day finding that the population should not be uplisted to endangered status.

On July 9, 2007 (72 FR 37346), we published the final delisting rule for bald eagles in the lower 48 States due to recovery. This final delisting rule also included the bald eagles located in the Sonoran Desert. On August 17, 2007, the CBD and the Maricopa Audubon Society filed a Motion for Summary Judgment, requesting the court to make a decision on their January 5, 2007, lawsuit. In early 2008, several Native American Tribes submitted *amicus curiae* ("friend of the court") briefs in support of the August 17, 2007, Motion for Summary Judgment. The San Carlos Apache Tribe, Yavapai-Apache Nation, and Tonto Apache Tribe submitted *amicus curiae* briefs to the court on January 29, 2008; the Salt River Pima-Maricopa Indian Community submitted an *amicus curiae* brief to the court on February 4, 2008; and the Fort McDowell Yavapai Nation submitted an *amicus curiae* brief to the court on February 7, 2008.

On March 5, 2008, the U.S. District Court for the District of Arizona made a final decision in the case and ruled in favor of the CBD and the Maricopa Audubon Society. The court order (*Center for Biological Diversity v. Kempthorne*, CV 07-0038-PHX-MHM (D. Ariz)), dated March 6, 2008, required the Service to conduct a status review of the Desert bald eagle population pursuant to the Act to determine whether that population may qualify as a DPS, and if so, whether listing that DPS as threatened or endangered pursuant to the Act is warranted. The court enjoined the Service's application