

We proposed to approve this analysis and certification because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the submitted RACT analysis and our evaluation.

## II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, no comments were received.

## III. EPA Action

No comments were submitted that change our assessment that the submitted RACT analysis complies with the relevant CAA requirements under the 8-hour ozone NAAQS. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving this document into the California SIP.

## IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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

- 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.

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 action 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**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 22, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the 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 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, Volatile organic compounds.

Dated: March 5, 2009.

**Jane Diamond,**

*Acting Regional Administrator, Region IX.*

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

### PART 52—[AMENDED]

■ 1. The authority citation for Part 52 continues to read as follows:

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

### Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(358)(i)(B) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(358) \* \* \*

(i) \* \* \*

(B) Ventura County Air Pollution Control District.

(1) Ventura County Air Pollution Control Board Resolution approving and adopting the 2006 Reasonably Available Control Technology State Implementation Plan Revision, dated June 27, 2006.

(2) Final Ventura County Air Pollution Control District 2006 Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Revision, including Tables A-1, A-2, B, C, and D, dated June 27, 2006.

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[FR Doc. E9-9021 Filed 4-20-09; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8071]

### 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 III</b> Virginia: Amelia County, Unincorporated Areas.	510314	March 22, 1976, Emerg; September 1, 1987, Reg; April 21, 2009, Susp.	April 16, 2009 ...	April 21, 2009.
<b>Region IV</b> Florida: Gulf County, Unincorporated Areas	120098	August 7, 1975, Emerg; June 15, 1983, Reg; April 21, 2009, Susp.	.....do* .....	Do.
<b>Region V</b> Ohio:				

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
Delaware, City of, Delaware County .....	390148	January 31, 1975, Emerg; November 2, 1983, Reg; April 21, 2009, Susp.	.....do .....	Do.
Delaware County, Unincorporated Areas.	390146	February 16, 1977, Emerg; October 18, 1983, Reg; April 21, 2009, Susp.	.....do .....	Do.
Powell, Village of, Delaware County .....	390626	July 8, 1975, Emerg; March 4, 1985, Reg; April 21, 2009, Susp.	.....do .....	Do.
Sunbury, Village of, Delaware County ..	390152	June 18, 1975, Emerg; September 1, 1987, Reg; April 21, 2009, Susp.	.....do .....	Do.
<b>Region VIII</b>				
North Dakota:				
Belmont, Township of, Trail County .....	380653	July 12, 1982, Emerg; August 5, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Benson County, Unincorporated Areas	380682	January 31, 1995, Emerg; May 2, 1995, Reg; April 21, 2009, Susp.	.....do .....	Do.
Bingham, Township of, Trail County .....	380640	February 8, 1980, Emerg; August 5, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Buxton, Township of, Trail County .....	380676	April 9, 1984, Emerg; March 12, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Caledonia, Township of, Trail County ...	380638	January 3, 1980, Emerg; August 5, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Eldorado, Township of, Trail County .....	380645	April 25, 1980, Emerg; August 19, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Elm River, Township of, Trail County ...	380636	September 13, 1979, Emerg; August 5, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Garfield, Township of, Trail County .....	380669	April 5, 1983, Emerg; December 11, 1985, Reg; April 21, 2009, Susp.	.....do .....	Do.
Herberg, Township of, Trail County .....	380621	September 25, 1978, Emerg; August 5, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Hillsboro, City of, Trail County .....	380132	March 3, 1975, Emerg; September 27, 1985, Reg; April 21, 2009, Susp.	.....do .....	Do.
Kelso, Township of, Trail County .....	380644	April 11, 1980, Emerg; August 5, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Lindaas, Township of, Trail County .....	380300	April 11, 1980, Emerg; September 29, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Mayville, City of, Trail County .....	380133	March 21, 1975, Emerg; July 19, 1982, Reg; April 21, 2009, Susp.	.....do .....	Do.
Mayville, Township of, Trail County .....	380301	November 23, 1979, Emerg; September 29, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Minnewaukan, City of, Benson County	380240	April 24, 1995, Emerg; May 4, 1998, Reg; April 21, 2009, Susp.	.....do .....	Do.
Norman, Township of, Trail County .....	380670	April 5, 1983, Emerg; March 12, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Norway, Township of, Trail County .....	380643	March 24, 1980, Emerg; August 5, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Portland, City of, Trail County .....	380134	October 14, 1975, Emerg; July 19, 1982, Reg; April 21, 2009, Susp.	.....do .....	Do.
Roseville, Township of, Trail County .....	380641	February 21, 1980, Emerg; September 29, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Spirit Lake Tribe, Benson County .....	380700	August 19, 1997, Emerg; May 4, 1998, Reg; April 21, 2009, Susp.	.....do .....	Do.
Stavanger, Township of, Trail County ...	380642	February 29, 1980, Emerg; August 5, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
Trail County, Unincorporated Areas .....	380130	June 30, 1997, Emerg; May 4, 1998, Reg; April 21, 2009, Susp.	.....do .....	Do.
Viking, Township of, Trail County .....	380322	March 30, 1978, Emerg; September 4, 1986, Reg; April 21, 2009, Susp.	.....do .....	Do.
South Dakota: Sturgis, City of, Meade County.	460055	February 9, 1973, Emerg; June 1, 1977, Reg; April 21, 2009, Susp.	.....do .....	Do.
<b>Region IX</b>				
California: Sonora, City of, Tuolumne County.	060412	February 13, 1976, Emerg; May 25, 1978, Reg; April 21, 2009, Susp.	.....do .....	Do.

\*do = Ditto.

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

Dated: April 9, 2009.  
**Michael K. Buckley,**  
*Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.*  
 [FR Doc. E9-9070 Filed 4-20-09; 8:45 am]  
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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 65**

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1046]

**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 Mitigation Assistant Administrator of FEMA 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:** William R. Blanton Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**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 to either 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 the

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: Autauga ...	City of Prattville (07-04-6309P).	February 28, 2009; March 7, 2009; <i>Prattville Progress</i> .	The Honorable Jim Byard, Jr., Mayor, City of Prattville, 101 West Main Street, Prattville, AL 36067.	February 20, 2009 .....	010002
Arizona: Coconino .....	Unincorporated areas of Coconino County (08-09-1418P).	February 20, 2009; February 27, 2009; <i>Arizona Daily Sun</i> .	The Honorable Deb Hill, Chairman, Coconino County Board of Supervisors, 219 East Cherry Avenue, Flagstaff, AZ 86001.	June 29, 2009 .....	040019
Maricopa .....	City of Avondale (08-09-0655P).	March 5, 2009; March 12, 2009; <i>Arizona Business Gazette</i> .	The Honorable Marie Lopez, Mayor, City of Avondale, 11465 West Civic Center Drive, Suite 280, Avondale, AZ 85323.	July 10, 2009 .....	040038
Maricopa .....	Unincorporated areas of Maricopa County (08-09-0655P).	March 5, 2009; March 12, 2009; <i>Arizona Business Gazette</i> .	The Honorable Andrew Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	July 10, 2009 .....	040037