

EPA determined that construction of the remedy as embodied in the RD had been completed.

On December 12, 2002, a RA Report was completed, demonstrating successful completion of construction activities. The site is listed on the state of Iowa's Registry of Hazardous Waste or Hazardous Substance Disposal Sites, which prevent changes in land ownership or use without state approval. Institutional controls have also been applied to the site through language in the CD and on the deed requiring that the property only be used for purposes compatible with the RD and O&M specifications. The institutional controls cover all contaminated media that cannot support unlimited use and unrestricted exposure.

Cleanup Standards

Cleanup standards were developed in the ROD to prevent exposure to wastes and contaminated soils on the surface of the site. The chosen remedy was capping, to prevent this exposure. The cleanup goals were achieved in the site remediation work. All facets of the ROD and ESD have been met as well. Because wastes remain at the site in a capped landfill, some residual risks remain at the site that require continued O&M activities, institutional controls, and five-year reviews. There is no significant threat to public health or the environment from the site, however, and additional remedial measures are not appropriate.

Operations and Maintenance

The O&M parties are currently conducting O&M activities pursuant to the Monitoring, Operation, and Maintenance Plan that was approved by EPA on September 29, 1999. The O&M of the landfill cap, drainage structures, riverbank slope, and fences is required along with regular groundwater and surface water monitoring and will continue after site deletion, since waste was left in place as part of the final source control remedy. The final plan, dated February 2000, lists the activities to be performed, including annual inspections to ensure erosion control, drainage structure maintenance, mowing, monitoring, and fence maintenance. Institutional controls will also be maintained. No major problems have been encountered. Results from the groundwater and surface water monitoring have not indicated any concerns with contamination, and the continuing monitoring is not needed to determine any future response measures.

Five-Year Review

A statutory five-year review report was completed on September 10, 2002, pursuant to CERCLA 121(c) and to § 300.430(f)(4)(ii) of the NCP. The report concluded that the remedy is protective of human health and the environment, and that all threats at the site have been addressed. Another five-year review report is scheduled for 2007.

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. A mailing list was developed, fact sheets mailed out, and a public notice placed in a newspaper in August 1992 to support the Proposed Plan. A public meeting was held on August 20, 1992. In addition, a public notice for the five-year review was placed in May 2002. Documents in the Deletion Docket which EPA relied on for recommendation of the deletion from the NPL are available to the public in the information repositories. A public notice for this action will also be published in the *Red Oak Express*.

V. Deletion Action

The EPA, with concurrence of the state of Iowa, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions, under CERCLA, are necessary. The state concurrence letter dated May 11, 2005, states that IDNR concurs with the proposed removal of the site from the NPL. Therefore, EPA is deleting the 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 September 26, 2005 unless EPA receives adverse comments by August 25, 2005. 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 and, 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 substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping

requirements, Superfund, Water pollution control, Water supply.

Dated: July 5, 2005.

James B. Gulliford,

Regional Administrator, Region VII.

■ 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 under Iowa by removing the site name “Red Oak City Landfill” and the city “Red Oak.”

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA–D–7575]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

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 and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

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 Director reconsider the changes. The modified elevations 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: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

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 upon knowledge of changed conditions, or upon 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 elevations, 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 rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

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 shown below:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Montgomery.	City of Montgomery.	May 26, 2005, June 2, 2005, <i>Montgomery Independent</i> .	The Honorable Bobby N. Bright, Mayor of the City of Montgomery, City Hall, P.O. Box 1111, Montgomery, Alabama 36101.	May 17, 2005	010174 G
Massachusetts: Plymouth.	Town of Hanover	June 2, 2005, June 9, 2005, <i>The Patriot Ledger</i> .	Mr. Stephen S. Rollins, Hanover Town Administrator, Hanover Town Hall, 550 Hanover Street, Hanover, Massachusetts 02339.	September 7, 2005.	250266 B
Tennessee: Houston.	City of Erin	May 31, 2005, June 7, 2005, <i>The Stewart-Houston Times</i> .	The Honorable Rhyne Largent, Mayor of the City of Erin, P.O. Box 270, Erin, Tennessee 37061.	September 6, 2005.	470213 F

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: July 20, 2005.

David I. Maurstad,

Acting Director, Mitigation Division,
Emergency Preparedness and Response
Directorate.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA),
Emergency Preparedness and Response

Directorate, Department of Homeland Security.

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