

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

## **PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T13–164 to read as follows:

### **§ 165.T13–164 Safety Zone; Interstate 5 Bridge Repairs, Columbia River, Portland, OR.**

(a) *Location.* The following area is a safety zone: All waters of the Columbia River within the area created by connecting the following four piers of the Interstate 5 Bridge: East Pier 3 across the wide span channel to East Pier 5 then downstream under the bridge to West Pier 5, across the wide span channel to West Pier 3, then back upstream under the bridge to East Pier 3. The piers are numbered from the North bank to the South bank. Geographically this location is a rectangle enclosing the wide span channel of the Interstate 5 Bridge starting at the draw span reaching across to the first pier of the high span and then back to the draw span.

(b) *Regulations.* In accordance with the general regulations in 33 CFR Part 165, Subpart C, no person may enter or remain in the safety zone created in this section or bring, cause to be brought, or allow to remain in the safety zone created in this section any vehicle, vessel, or object unless authorized by the Captain of the Port or his designated representative. Designated representatives are Coast Guard personnel authorized by the Captain of the Port to grant persons or vessels permission to enter or remain in the safety zone created by this section. See 33 CFR Part 165, Subpart C, for additional information and requirements.

(c) *Enforcement Period.* The safety zone created by this section will be enforced from 6 a.m. through 5 p.m. on October 4, 5, 8, 11, 12, and 13, 2010.

Dated: September 20, 2010.

**D.E. Kaup,**

*Captain, U.S. Coast Guard, Captain of the Port, Columbia River.*

[FR Doc. 2010–24878 Filed 10–4–10; 8:45 am]

**BILLING CODE 9110–04–P**

## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Part 3**

**RIN 2900–AN24**

### **Presumptions of Service Connection for Persian Gulf Service; Correction**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Correcting amendment.

**SUMMARY:** The Department of Veterans Affairs (VA) published in the **Federal Register** of September 29, 2010, a document amending its adjudication regulations concerning presumptive service connection for certain diseases. In the regulatory text of that document, VA inadvertently omitted a comma following the word “etiology” in the first sentence of § 3.317(a)(2)(ii). This document corrects that omission.

**DATES:** *Effective Date:* This correction is effective October 5, 2010.

**FOR FURTHER INFORMATION CONTACT:** William F. Russo, Director of Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, or call (202) 273–9515 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On September 29, 2010, VA published in the **Federal Register** (75 FR 59968), an amendment to 38 CFR 3.317 to implement a decision of the Secretary of Veterans Affairs that there is a positive association between service in Southwest Asia during certain periods and the subsequent development of certain infectious diseases. In the first sentence of § 3.317(a)(2)(ii), we inadvertently omitted a comma following the word “etiology.” This correction document adds the comma immediately following the word “etiology” in that sentence.

### **List of Subjects in 38 CFR Part 3**

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: September 30, 2010.

**William F. Russo,**

*Director, Regulations Management, Office of the General Counsel, Department of Veterans Affairs.*

■ For the reason set out in the preamble, VA is correcting 38 CFR part 3 as follows:

### **PART 3—ADJUDICATION**

■ 1. The authority citation for part 3, subpart A continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

### **§ 3.317 [Corrected]**

■ 2. In § 3.317, paragraph (a)(2)(ii), first sentence, add a comma immediately after the word “etiology.”

[FR Doc. 2010–24898 Filed 10–4–10; 8:45 am]

**BILLING CODE P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 261**

**[EPA–R06–RCRA–2008–0418; SW–FRL–9209–8]**

### **Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Correction**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Correcting amendments.

**SUMMARY:** On July 31, 2009, EPA published a direct final action granting a petition submitted by WRB Refining, LLC Company to exclude (or delist) the thermal desorber residual solids with Hazardous Waste Numbers: F037, F038, K048, K049, K050, and K051. In the July 31, 2009 rule, EPA inadvertently recorded the arsenic delisting level as 0.0129 mg/l. The arsenic delisting limit should be 1.29 mg/l. We are making this correction in this document.

**DATES:** This action is effective October 5, 2010.

**FOR FURTHER INFORMATION CONTACT:** Michelle Peace (214) 665–7430, or e-mail her at [peace.michelle@epa.gov](mailto:peace.michelle@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA published an approval for 5,000 cubic yards of thermal desorber residual solids. The arsenic delisting exclusion limit in the direct final rule is incorrect. Therefore, in this correction notice we are correcting the arsenic value limit and correcting it in Table 1 of appendix IX to part 261—Waste Excluded Under §§ 260.20 and 260.22. Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is such good cause for making today’s rule final without prior proposal and opportunity for comment because we are merely correcting the error which was included in a previous action. Thus, notice and public procedure are unnecessary.

**Statutory and Executive Order Reviews**

Under Executive Order 12866, “Regulatory Planning and Review” (58 FR 51735, October 4, 1993), this rule is not of general applicability and therefore is not a regulatory action subject to review by the Office of Management and Budget (OMB). This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) because it applies to a particular facility only. Because this rule is of particular applicability relating to a particular facility, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Because this rule will affect only a particular facility, it will not significantly or uniquely affect small governments, as specified in section 203 of UMRA. Because this rule will affect only a particular facility, this proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, “Federalism,” (64 FR 43255, August 10, 1999). Thus, Executive Order 13132 does not apply to this rule. Similarly, because this rule will affect only a particular facility, this proposed rule does not have tribal implications, as specified in Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000). Thus, Executive Order 13175 does not apply to this rule. This rule also is not subject to Executive Order 13045, “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997),

because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The basis for this belief is that the Agency used the DRAS program, which considers health and safety risks to infants and children, to calculate the maximum allowable concentrations for this rule. This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866. This rule does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988, “Civil Justice Reform,” (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. 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. Section 804 exempts from section 801 the following types of rules (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties 5 U.S.C. 804(3). EPA is not required to

submit a rule report regarding this action under section 801 because this is a rule of particular applicability. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. As stated previously, we made such a good cause finding, including the reasons therefore and established an effective date of October 5, 2010. This correction to the WRB Refining, LLC, located in Borger, TX exclusion is not a “major rule” as defined by 5 U.S.C. 804 *et seq.* (2).

**Lists of Subjects in 40 CFR Part 261**

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

**Authority:** Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: September 23, 2010.

**Bill Luthans,**

*Acting Director, Multimedia Planning and Permitting Division.*

■ For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

**PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

■ 1. The authority citation for Part 261 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

■ 2. In Tables 1 of Appendix IX to Part 261 revise paragraph (1) of the entry for “WRB Refining LLC” the following waste stream in alphabetical order by facility to read as follows:

**Appendix IX to Part 261—Wastes Excluded Under §§ 260.20 and 260.22**

TABLE 1—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
* * *	* * *	* * *
WRB Refining, LLC .....	Borger, TX .....	(1) Delisting Levels: All concentrations for those constituents must not exceed the maximum allowable concentrations in mg/l specified in this paragraph. Thermal Desorber Residual Solid Leachable Concentrations (mg/l): Antimony—0.165; Arsenic—1.29; Barium—54.8; Beryllium—0.119; Cadmium—0.139; Chromium—3.23; Chromium, Hexavalent—3.23; Cobalt—20.7; Copper—38.6; Cyanide—4.69; Lead—1.07; Mercury—0.104; Nickel—20.6; Selenium—1.0; Silver—5.0; Tin—3790.00; Vanadium—1.46; Zinc—320.0.
* * *	* * *	* * *

[FR Doc. 2010-24925 Filed 10-4-10; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 67**

[Docket ID FEMA-2010-0003]

**Final Flood Elevation Determinations****AGENCY:** Federal Emergency Management Agency, DHS.**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 remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

**ADDRESSES:** The final 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:** Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3461, or (e-mail) [roy.e.wright@dhs.gov](mailto:roy.e.wright@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*National Environmental Policy Act.* This final 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 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 final rule involves no policies that have federalism implications under Executive Order 13132.

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

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

**PART 67—[AMENDED]**

■ 1. The authority citation for part 67 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.

**§ 67.11 [Amended]**

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
<b>Marshall County, Illinois, and Incorporated Areas</b> <b>Docket Nos.: FEMA-B-1022 and FEMA-B-1068</b>			
Illinois River .....	Approximately 0.57 mile downstream of Illinois Route 18 ..	+461	City of Henry.
	Approximately 0.69 mile upstream of Illinois Route 18 .....	+461	
Illinois River .....	Approximately 0.73 mile downstream of Illinois Route 17 ..	+461	City of Lacon.
	Approximately 0.83 mile upstream of Illinois Route 17 .....	+461	
Sandy Creek Tributary .....	At County Highway 14 .....	+673	Unincorporated Areas of Marshall County.
	Approximately 140 feet northwest of the intersection of Hickory Street and South 5th Street in the City of Wenona.	+686	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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