

### III. Statutory and Executive Order Reviews

#### A. Executive Order 12866

This action is classified as a final rule because it makes an amendment to the Code of Federal Regulations (CFR). The amendment to the CFR is necessary to allow for a one-time extension to the 2006 reporting IUR period. This action does not impose any new requirements or amend substantive requirements. This action is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993).

#### B. Paperwork Reduction Act

This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*

#### C. Regulatory Flexibility Act

Because this action does not impose any new requirements or amend the substantive requirements, EPA certifies this action will not have a significant economic impact on a substantial number of small entities and there will be no adverse impact on small entities resulting from this action under section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*)

#### D. Unfunded Mandates Reform Act

This action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4).

#### E. Executive Order 13132

The Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that 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.” This action does not alter the relationships or distribution of power and responsibilities established by Congress.

#### F. Executive Order 13175

The Agency has determined that this rule does not have any “tribal implications” as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 22951, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This final rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

#### G. Executive Order 13045

This action does not require OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

#### H. Executive Order 13211

Because this final rule is exempt from review under Executive Order 12866 due to its lack of significance, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001).

#### I. National Technology Transfer Advancement Act

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

#### J. Executive Order 12898

This action does not involve special considerations of environmental justice related issues as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

### IV. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, 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 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**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 710

Environmental protection, Chemicals, Hazardous materials, Inventory Update Reporting, IUR, Reporting and recordkeeping requirements, TSCA.

Dated: December 15, 2006.

**James B. Gulliford,**

*Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*

■ Therefore, 40 CFR chapter I is amended as follows:

#### PART 710—[AMENDED]

■ 1. The authority citation for part 710 continues to read as follows:

**Authority:** 15 U.S.C. 2607(a).

■ 2. In § 710.53, revise the second sentence to read as follows:

#### § 710.53 When to report.

\* \* \* The first submission period is from August 25, 2006 to March 23, 2007.\* \* \*

[FR Doc. E6-21711 Filed 12-19-06; 8:45 am]

BILLING CODE 6560-50-S

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

#### 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 on 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:** William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**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 Mitigation Division Director of FEMA 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. Modified	Communities affected
--------------------	----------------------------------	---	----------------------

**Essex County, New Jersey and Incorporated Areas Docket No.: FEMA-B-7458**

Bear Brook .....	At Confluence with Canoe Brook .....	+223	Township of Livingston.
	Approximately 1800 feet upstream of East Cedar Street .....	+367	
Canoe Brook .....	Approximately 1500 feet downstream of S. Orange Avenue ..	+202	Township of Livingston.
	At Confluence of Bear Brook .....	+223	
Canoe Brook Tributary No. 1 ..	At Confluence with Canoe Brook .....	+204	Township of Livingston.
	Approximately 1100 feet upstream of White Oak Ridge Road	+254	Township of Milburn.
Crystal Lake Branch .....	At Confluence with West Branch of Rahway River .....	+372	Township of West Orange.
	Approximately 200 feet upstream of Clarken Drive .....	+498	
Peckman River .....	Approximately 1300 feet upstream of Erie Railroad .....	+180	Township of Cedar Grove, Township of Verona, Town- ship of West Orange.
	Approximately 250 feet downstream of Highway 577 .....	+474	
East Branch Rahway River .....	Approximately 200 feet upstream of Millburn Avenue .....	+99	City of Orange, Village of South Orange, Township of Maplewood.
	Just downstream of Forest Street .....	+167	
West Branch Rahway River ....	Approximately 400 feet downstream of Orange Reservoir	+298	Township of West Orange.
	Dam.		
	At Garfield Avenue .....	+374	
Slough Brook .....	Just Downstream of Parsonage Hill Road .....	+177	Township of Livingston.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground. Modified	Communities affected
	At Irving Avenue .....	+280	

# Depth in feet above ground.  
 \*National Geodetic Vertical Datum.  
 +North American Vertical Datum.

**ADDRESSES**

**Township of Cedar Grove**

Maps are available for inspection at the following locations: Municipal Building, 525 Pompton Avenue, Cedar Grove, NJ 07009.

**Township of Livingston**

Maps are available for inspection at the following locations: Town Hall, 357 South Livingston Avenue, Livingston, NJ 07039.

**Township of Maplewood**

Maps are available for inspection at the following locations: Town Hall, 570 Valley Street, Maplewood, NJ 07040.

**Township of Millburn**

Maps are available for inspection at the following locations: Town Hall, 375 Millburn Avenue, Millburn, NJ 07041.

**City of Orange**

Maps are available for inspection at the following locations: City Hall, 29 North Day Street, Orange, NJ 07050.

**South Orange Village**

Maps are available for inspection at the following locations: South Orange Village Hall, 101 South Orange Avenue, South Orange, NJ 07079.

**Township of Verona**

Maps are available for inspection at the following locations: Town Hall, 600 Bloomfield Avenue, Verona, NJ 07044.

**Township of West Orange**

Maps are available for inspection at the following locations: Town Hall, 66 Main Street, West Orange, NJ 07052.

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

Dated: December 13, 2006.

**David I. Maurstad,**

*Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. E6-21680 Filed 12-19-06; 8:45 am]

**BILLING CODE 9110-12-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 1 and 73**

**[MB Docket No. 05-210; FCC 06-163]**

**Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services**

**AGENCY:** Federal Communications Commission (FCC).

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission adopted a number of procedures and procedural changes designed to streamline the process of allocating new FM channels and modifying the communities of license of existing radio stations, and to reduce current backlogs in proceedings to amend the FM Table of Allotments. In the R&O, the Commission also announced that it would lift a freeze on all new petitions to amend the FM Table