

pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

31. Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.

32. Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

33. Alcoholic beverages (except beers).

34. Tobacco; smokers' articles; matches.

#### Services

35. Advertising; business management; business administration; office functions.

36. Insurance; financial affairs; monetary affairs; real estate affairs.

37. Building construction; repair; installation services.

38. Telecommunications.

39. Transport; packaging and storage of goods; travel arrangement.

40. Treatment of materials.

41. Education; providing of training; entertainment; sporting and cultural activities.

42. Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

43. Services for providing food and drink; temporary accommodation.

44. Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

45. Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

Dated: May 16, 2007.

**Jon W. Dudas,**

*Under Secretary of Commerce for Intellectual Property, and Director of the United States Patent and Trademark Office.*

[FR Doc. E7-9764 Filed 5-21-07; 8:45 am]

BILLING CODE 3510-16-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 50

[EPA-HQ-OAR-2005-0159; FRL-8316-5]

RIN 2060-AN40

### Final Rule on the Treatment of Data Influenced by Exceptional Events; Correction

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

**ACTION:** Correcting Amendments.

**SUMMARY:** The EPA issued a final rule on March 22, 2007, entitled "Treatment of Data Influenced by Exceptional Events." The rule governs the review and handling of air quality monitoring data determined to be influenced by exceptional events. This document makes minor corrections to language contained in the regulatory text for the rule.

**EFFECTIVE DATE:** This document is effective on May 22, 2007.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding these corrections, contact Mr. Larry Wallace, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Mail Code C539-02, Research Triangle Park, NC 27711, phone number (919) 541-9006 or by e-mail at: [wallace.larry@epa.gov](mailto:wallace.larry@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Background

The EPA issued the final rule on "The Treatment of Data Influenced by Exceptional Events" on March 22, 2007, 72 FR 13560.

#### Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification. EPA finds that there is good cause to make these corrections without providing for notice and comment, and for making these corrections effective immediately upon publication, because neither notice or comment, nor a delayed effective date, is necessary and would not be in the public interest due to the nature of the corrections which are minor, technical, and non-controversial.

The final action, without notice and comment, and the immediate effective date for this action is authorized under 5 U.S.C. 553(d)(3)(B) and 553(d)(3) which allows an effective date less than 30 days after publication if "as otherwise provided by the agency for cause found and published with the rule." As indicated above, the final rule

on Exceptional Events was published after notice and comment on March 22, 2007 and becomes effective on May 21, 2007, 60 days from publication. Thus, additional notice and comment for these minor technical corrections is unnecessary under 5 U.S.C. 553(b)(3)(B) and EPA finds that good cause exists for these corrections to become effective immediately.

#### Corrections of Rule

In the final rule for "The Treatment of Data Influenced by Exceptional Events", 72 FR 13560, March 22, 2007, correction is being made to the regulatory text of the rule beginning at 40 CFR 50.14(c) and to the title of 40 CFR part 51. This action makes a correction under the section entitled "Treatment of air quality monitoring data influenced by exceptional events." Under § 50.14(c)(2) entitled "Schedules and procedures", "Flagging of data", change subsection (i) to remove the reference to 40 CFR 58.16 and to read as follows:

(i) A State shall notify EPA of its intent to exclude one or more measured exceedances of an applicable ambient air quality standard as being due to an exceptional event by placing a flag in the appropriate field for the data record of concern which has been submitted to the AQS database.

The final correction being made to the rule begins on page 13581, column two. Change the title of the section to read as follows:

#### PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS"

Dated: May 15, 2007.

**Stephen L. Johnson,**  
*Administrator.*

■ In consideration of the foregoing, the Environmental Protection Agency amends 40 CFR parts 50 and 51 as follows:

#### PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

■ 1. The authority citation for part 50 continues to read as follows:

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

■ 2. Section 50.14 (c)(2)(i) is revised to read as follows:

#### § 50.14 Treatment of air quality monitoring data influenced by exceptional events.

\* \* \* \* \*

(c) \* \* \*

(2) Flagging of data.

(i) A State shall notify EPA of its intent to exclude one or more measured

exceedances of an applicable ambient air quality standard as being due to an exceptional event by placing a flag in the appropriate field for the data record of concern which has been submitted to the AQS database.

\* \* \* \* \*

**PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS**

■ 3. The authority citation for part 50 continues to read as follows:

**Authority:** 23 U.S.C. 101; 42 U.S.C. 7401–7671Q.

■ 4. The heading for part 51 is revised to read as set forth above.

[FR Doc. E7–9892 Filed 5–21–07; 8:45 am]

BILLING CODE 6560–50–P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 65**

**Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

**DATES:** The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

**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 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 of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFEs determinations are available for inspection.

The modified BFEs are made pursuant to section 206 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 other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

*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, Federalism.

*Executive Order 12988, Civil Justice Reform.* This final 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.
Arizona:					
Coconino (FEMA Docket No.: B–7467).	City of Flagstaff (05–09–1103P).	December 8, 2005; December 15, 2005; <i>Arizona Daily Sun</i> .	The Honorable Joseph C. Donaldson, Mayor, City of Flagstaff, 211 West Aspen Avenue, Flagstaff, Arizona 86001.	March 16, 2006 .....	040020
Greenlee (FEMA Docket No.: B–7474).	Town of Clifton (06–09–B068P).	October 25, 2006; November 1, 2006; <i>The Copper Era</i> .	The Honorable David McCullar, Mayor, Town of Clifton, P.O. Box 1415, Clifton, AZ 85533.	September 29, 2006 .....	040035