

104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. VCS are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

This action does not involve technical standards. Therefore, EPA did not consider the use of any VCS.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This rule would not relax the control measures on sources regulated by the rule and, therefore, would not cause emissions increases from these sources.

K. Congressional Review Act

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 these final rules and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the final rules 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). This final rule will be effective on December 16, 2008.

List of Subjects for 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 10, 2008.

Stephen L. Johnson,

Administrator.

[FR Doc. E8–29789 Filed 12–15–08; 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 Branch, Mitigation Directorate, 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. |
|---|---|--|--|--------------------------------|---------------|
| California: San Diego (FEMA Docket No.: B-1001). | City of San Diego (08-09-1015P). | July 10, 2008; July 17, 2008; <i>San Diego Transcript.</i> | The Honorable Jerry Sanders, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101. | June 30, 2008 | 060295 |
| Colorado: Arapahoe (FEMA Docket No.: B-1001). | City of Cherry Hills Village (08-08-0414P). | July 4, 2008; July 11, 2008; <i>The Englewood Herald.</i> | The Honorable Mike Wozniak, Mayor, City of Cherry Hills Village, 2450 East Quincy Avenue, Cherry Hills Village, CO 80113. | November 11, 2008 | 080013 |
| Florida: | | | | | |
| Charlotte (FEMA Docket No.: B-1001). | City of Punta Gorda (08-04-4040P). | July 17, 2008; July 24, 2008; <i>Charlotte Sun.</i> | The Honorable Larry Friedman, Mayor, City of Punta Gorda, 326 West Marion Avenue, Punta Gorda, FL 33950. | June 30, 2008 | 120062 |
| Monroe (FEMA Docket No.: B-1001). | Unincorporated areas of Monroe County (08-04-0421P). | July 10, 2008; July 17, 2008; <i>Key West Citizen.</i> | The Honorable Mario DiGennaro, Mayor, Monroe County, Florida Keys Marathon Airport, 9400 Overseas Highway, Suite 210, Marathon, FL 33050. | June 30, 2008 | 125129 |
| Monroe (FEMA Docket No.: B-1001). | Unincorporated areas of Monroe County (08-04-3795P). | July 10, 2008; July 17, 2008; <i>Key West Citizen.</i> | The Honorable Mario DiGennaro, Mayor, Monroe County, Florida Keys Marathon Airport, 9400 Overseas Highway, Suite 210, Marathon, FL 33050. | June 30, 2008 | 125129 |
| Sumter (FEMA Docket No.: B-1001). | City of Wildwood (08-04-0921P). | July 17, 2008; July 24, 2008; <i>Sumter County Times.</i> | The Honorable Ed Wolf, Mayor, City of Wildwood, 100 North Main Street, Wildwood, FL 34785. | June 30, 2008 | 120299 |
| Kansas: Johnson (FEMA Docket No.: B-1001). | City of Overland Park (08-07-0908P). | July 9, 2008; July 16, 2008; <i>The Overland Park Sun.</i> | The Honorable Carl R. Gerlach, Mayor, City of Overland Park, 10084 Hemlock Drive, Overland Park, KS 66212. | June 30, 2008 | 200174 |
| Michigan: Macomb (FEMA Docket No.: B-1001). | Township of Macomb (08-05-1867P). | July 16, 2008; July 23, 2008; <i>The Macomb Daily and Daily Tribune.</i> | The Honorable John D. Brennan, Township Supervisor, Township of Macomb, 54111 Broughton Road, Macomb, MI 48042. | July 2, 2008 | 260445 |
| Mississippi: DeSoto (FEMA Docket No.: B-1001). | City of Olive Branch (08-04-2647P). | July 31, 2008; August 7, 2008; <i>DeSoto Times Today.</i> | The Honorable Samuel P. Rikard, Mayor, City of Olive Branch, 9200 Pigeon Roost Road, Olive Branch, MS 38654. | July 18, 2008 | 280286 |
| Missouri: | | | | | |
| St. Charles (FEMA Docket No.: B-7797). | Unincorporated areas of St. Charles County (08-07-0068P). | June 25, 2008; July 2, 2008; <i>St. Charles Journal.</i> | The Honorable Steve Ehlmann, County Executive, St. Charles County, St. Charles County Courthouse, 100 North Third Street, St. Charles, MO 63301. | October 30, 2008 | 290315 |
| St. Charles (FEMA Docket No.: B-7797). | City of St. Peters (08-07-0068P). | June 25, 2008; July 2, 2008; <i>St. Charles Journal.</i> | The Honorable Len Pagano, Mayor, City of St. Peters, One St. Peters Centre Boulevard, St. Peters, MO 63376. | October 30, 2008 | 290319 |
| Nevada: Clark (FEMA Docket No.: B-7797). | Unincorporated areas of Clark County (07-09-1612P). | July 8, 2008; July 15, 2008; <i>Las Vegas Review-Journal.</i> | The Honorable Rory Reid, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89106. | November 12, 2008 | 320003 |
| New York: | | | | | |
| New York (FEMA Docket No.: B-1001). | City of New York (08-02-0948P). | July 17, 2008; July 24, 2008; <i>New York Times.</i> | The Honorable Michael R. Bloomberg, Mayor, City of New York, One Centre Street, New York, NY 10007. | September 29, 2008 | 360497 |
| Rockland (FEMA Docket No.: B-7788). | Town of Clarkstown (08-02-0127P). | May 22, 2008; May 29, 2008; <i>Rockland County Times.</i> | The Honorable Alexander J. Gromack, Supervisor, Town of Clarkstown, Ten Maple Avenue, New City, NY 10956. | November 18, 2008 | 360679 |
| North Carolina: Onslow (FEMA Docket No.: B-7793). | City of Jacksonville (08-04-0469P). | June 13, 2008; June 20, 2008; <i>The Daily News.</i> | The Honorable Sammy Phillips, Mayor, City of Jacksonville, P.O. Box 128, Jacksonville, NC 28541. | June 6, 2008 | 370178 |
| Oklahoma: | | | | | |
| Oklahoma (FEMA Docket No.: B-1001). | City of Edmond (08-06-0227P). | July 16, 2008; July 23, 2008; <i>The Edmond Sun.</i> | The Honorable Daniel R O'Neil, Mayor, City of Edmond, P.O. Box 2970, Edmond, OK 73083. | July 30, 2008 | 400252 |
| Tulsa (FEMA Docket No.: B-1001). | City of Tulsa (08-06-1820P). | June 26, 2008; July 3, 2008; <i>Tulsa World.</i> | The Honorable Kathryn L. Taylor, Mayor, City of Tulsa, 200 Civic Center, Tulsa, OK 74103. | October 31, 2008 | 405381 |

| 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. |
|---|--|--|--|--------------------------------|---------------|
| Tulsa (FEMA Docket No.: B-1008). | City of Tulsa (08-06-1865P). | July 31, 2008; August 7, 2008; <i>Tulsa World</i> . | The Honorable Kathryn L. Taylor, Mayor, City of Tulsa, 200 Civic Center, Tulsa, OK 74103. | July 17, 2008 | 405381 |
| South Dakota: Pennington (FEMA Docket No.: B-1001). | City of Rapid City (08-08-0211P). | June 25, 2008; July 2, 2008; <i>Hill City Prevalier-News</i> . | The Honorable Alan Hanks, Mayor, City of Rapid City, 300 Sixth Street, Rapid City, SD 57701. | October 30, 2008 | 465420 |
| Texas: | | | | | |
| Bexar (FEMA Docket No.: B-7797). | City of San Antonio (07-06-0823P). | June 26, 2008; July 3, 2008; <i>San Antonio Express News</i> . | The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283. | October 31, 2008 | 480045 |
| Bexar (FEMA Docket No.: B-1015). | City of San Antonio (07-06-0824P). | June 26, 2008; July 3, 2008; <i>San Antonio Express News</i> . | The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283. | June 19, 2008 | 480045 |
| Collin (FEMA Docket No.: B-7797). | City of McKinney (07-06-1407P). | June 26, 2008; July 3, 2008; <i>McKinney Courier Gazette</i> . | The Honorable Bill Whitfield, Mayor, City of McKinney, 222 North Tennessee Street, McKinney, TX 75069. | October 31, 2008 | 480135 |
| Harris (FEMA Docket No.: B-7797). | Unincorporated areas of Harris County (07-06-2077P). | July 2, 2008; July 9, 2008; <i>Houston Chronicle</i> . | The Honorable Ed Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002. | October 30, 2008 | 480287 |
| Tarrant (FEMA Docket No.: B-1011). | City of Euless (08-06-0770P). | April 4, 2008; April 11, 2008; <i>Colleyville Courier</i> . | The Honorable Mary Saleh, Mayor, City of Euless, 201 North Ector Drive, Euless, TX 76039. | August 11, 2008 | 480593 |
| Virginia: Independent City (FEMA Docket No.: B-1001). | City of Winchester (08-03-0972P). | July 3, 2008; July 10, 2008; <i>The Winchester Star</i> . | The Honorable Elizabeth Minor, Mayor, City of Winchester, 231 East Piccadilly Street, Suite 310, Winchester, VA 22601. | October 31, 2008 | 510173 |
| Wisconsin: | | | | | |
| Dodge (FEMA Docket No.: B-7797). | Unincorporated areas of Dodge County (07-05-4832P). | June 19, 2008; June 26, 2008; <i>Watertown Daily Times</i> . | The Honorable Russell E. Kottke, Chairman, Dodge County Board of Supervisors, 127 East Oak Street, Beaver Dam, WI 53039. | October 24, 2008 | 550094 |
| Dodge (FEMA Docket No.: B-7797). | City of Watertown (07-05-4832P). | June 19, 2008; June 26, 2008; <i>Watertown Daily Times</i> . | The Honorable Ron Krueger, Mayor, City of Watertown, P.O. Box 477, Watertown, WI 53094. | October 24, 2008 | 550107 |

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: December 5, 2008.

Michael K. Buckley,
Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E8-29777 Filed 12-15-08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA-B-1023]

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