broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.” We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

Information Quality Act (IQA)

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 105–554).

Effects on the Energy Supply (Executive Order 13211)

The rule is not a significant energy action under the definition in Executive Order 13211. A statement of Energy Effects is not required.

Determination To Issue an Interim Final Rule With Immediate Effective Date

The Department is publishing this rule as an interim final rule with request for comment, but without prior notice and opportunity for comment, as allowed by the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)). Under this provision, an agency may issue a regulatory action without notice and an opportunity for comment when the agency, for good cause, finds that the notice and comment procedures are “impracticable, unnecessary or contrary to the public interest.” The Department for good cause finds that prior notice and comment are unnecessary because this rule amends the existing rule to conform with the Act. See, e.g., Komjathy v. National Transp. Safety Bd., 832 F.2d 1294, 1296–1297 (DC Cir. 1987), and Gray Panthers Advocacy Committee, et al. v. Sullivan, 936 F.2d 1284 (DC Cir. 1991). Under 5 U.S.C. 553(d)(3), the Department for good cause finds that this rule should be made effective upon publication in the Federal Register, rather than after the usual 30-day period. This finding is based on the uncertainty caused by the GAO report described above and the need to ensure compliance with the requirements of the Act.

The Department is requesting comments on this interim final rule. The Department will review any comments received and anticipates responses to comments in either a new final rule or in a future proposed rulemaking addressing other substantive changes to the regulations found at 43 CFR part 10.

Drafting Information

This interim final rule was prepared by staff of the National NAGPRA Program and of the Office of the Solicitor, Divisions of Parks and Wildlife and Indian Affairs.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this interim final rule to the address noted at the beginning of this rulemaking.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

List of Subjects in 43 CFR Part 10

Administrative practice and procedure, Graves, Hawaiian Natives, Historic preservation, Indians—claims, Museums, Reporting and recordkeeping requirements, Repatriation.

In consideration of the foregoing, the Department of the Interior amends 43 CFR part 10 as follows:

PART 10—NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION REGULATIONS

§ 10.2 [Removed and Reserved]

§ 10.2 In §10.2, remove and reserve paragraph (b)(2).

Dated: June 7, 2011.

Rachel Jacobson,
Acting Assistant Secretary for Fish and Wildlife and Parks.

BILLING CODE 4312–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2011–0002]

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: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) luis.rodriguez1@dhs.gov.

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 Deputy Federal Insurance and Mitigation Administrator has 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 BFE 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 either to adopt or to show evidence of being in place. 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 also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This final rule is systematically 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:


§ 65.4 [Amended]

2. The tables published under the authority of §65.4 are amended as follows:

<table>
<thead>
<tr>
<th>State and county</th>
<th>Location and case No.</th>
<th>Date and name of newspaper where notice was published</th>
<th>Chief executive officer of community</th>
<th>Effective date of modification</th>
<th>Community No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lee, (FEMA Docket No.: B–1191).</td>
<td>Unincorporated areas of Lee County (10–04–7794P).</td>
<td>November 3, 2010; November 10, 2010; The News-Press.</td>
<td>The Honorable Frank Mann, Chair, Lee County Board of Commissioners, 2120 Main Street, Fort Myers, FL 33901.</td>
<td>October 27, 2010 .......... 125124</td>
<td></td>
</tr>
<tr>
<td>State and county</td>
<td>Location and case No.</td>
<td>Date and name of newspaper where notice was published</td>
<td>Chief executive officer of community</td>
<td>Effective date of modification</td>
<td>Community No.</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------------</td>
<td>------------------------------------------------------</td>
<td>-----------------------------------</td>
<td>-----------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Chatham</td>
<td>(FEMA Docket No.: B–1160).</td>
<td>September 9, 2010; September 16, 2010; The Chatham News.</td>
<td>Mr. Charlie Horne, Chatham County Manager, P.O. Box 1809, 12 East Street, Pittsboro, NC 27312.</td>
<td>January 14, 2011 ..........</td>
<td>370299</td>
</tr>
<tr>
<td>Dare</td>
<td>(FEMA Docket No.: B–1191).</td>
<td>November 9, 2010; November 16, 2010; The Coastland Times.</td>
<td>The Honorable Raymond Sturza, Mayor, Town of Kill Devil Hills, P.O. Box 1719, Kill Devil Hills, NC 27948.</td>
<td>October 29, 2010 ..........</td>
<td>375353</td>
</tr>
<tr>
<td></td>
<td>Lake (FEMA Docket No.: B–1186).</td>
<td>January 3, 2011; January 10, 2011; The News-Herald.</td>
<td>The Honorable Raymond E. Sines, President, Lake County Board of Commissioners, P.O. Box 490, 105 Main Street, Painesville, OH 44077.</td>
<td>January 24, 2011 ..........</td>
<td>390771</td>
</tr>
<tr>
<td></td>
<td>Adams (FEMA Docket No.: B–1177).</td>
<td>December 23, 2010; December 30, 2010; The Gettysburg Times.</td>
<td>Mr. Bob Zangueneh, Chairman, Township of Reading Board of Supervisors, 50 Church Road, East Berlin, PA 17316.</td>
<td>December 15, 2010 ..........</td>
<td>420004</td>
</tr>
<tr>
<td></td>
<td>Texas (FEMA Docket No.: B–1177).</td>
<td>December 9, 2010; December 16, 2010; The Piano Star-Courier.</td>
<td>The Honorable Phil Dyer, Mayor, City of Piano, 1520 Avenue K, Piano, TX 75074.</td>
<td>April 15, 2011 ..........</td>
<td>480140</td>
</tr>
<tr>
<td></td>
<td>Utah: Salt Lake (FEMA Docket No.: B–1177).</td>
<td>December 16, 2010; December 23, 2010; The Salt Lake Tribune.</td>
<td>The Honorable Melissa K. Johnson, Mayor, City of West Jordan, 8000 South Redwood Road, West Jordan, UT 84088.</td>
<td>April 22, 2011 ..........</td>
<td>490108</td>
</tr>
<tr>
<td></td>
<td>Uinta (FEMA Docket No.: B–1191).</td>
<td>December 17, 2010; December 24, 2010; The Uinta County Herald.</td>
<td>The Honorable Bob Stoddard, Chairman, Uinta County Board of Commissioners, 229 9th Street, Evanston, WY 82930.</td>
<td>April 25, 2011 ..........</td>
<td>560053</td>
</tr>
</tbody>
</table>

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

Dated: June 23, 2011.

Sandra K. Knight,

[FR Doc. 2011–16779 Filed 7–1–11; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002]

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 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 in accordance with 44 CFR part 60.

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: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (e-mail) luis.rodriguez1@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 flood prone 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