• Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (May 1993).

In addition, this proposed rule does not have tribal implications as specified by Executive Order 13080, because application of the requirements of this rule would not have substantial direct effects on one or more Indian tribes, as specified by Executive Order 13175.

In addition, this proposed rule does not contain: (a) Provisions that create a federal mandate for states and local governments; or (b) A question of law of special federal significance. For this rule, the Administrator has not received comments from federalism agencies as specified by Executive Order 12988.

In addition, this proposed rule does not have a federalism effect as specified by the Executive Order 13132 (64 FR 43255, August 10, 1999), because it is not an economically significant regulatory action subject to the provisions of Executive Order 13045 (62 FR 19885, April 23, 1997).

In addition, this proposed rule does not contain any information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). This proposed rule does not impose any new information collection burden on the public or any increased recordkeeping requirements on small entities.

The proposed rule does not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211 (66 FR 28355, May 22, 2001).

In addition, this proposed rule does not contain a question of law of special federal significance subject to the provisions of Executive Order 12988, because it is not an economically significant regulatory action subject to the provisions of Executive Order 13045.

The proposed rule does not contain provisions that create a federal mandate for states and local governments, as specified by Executive Order 13080, because application of the requirements of this rule would not have substantial direct effects on one or more Indian tribes.

In addition, this proposed rule does not contain provisions that create a federal mandate for states and local governments, as specified by Executive Order 12866 (58 FR 51735, October 4, 1993), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain any information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). This proposed rule does not impose any new information collection burden on the public or any increased recordkeeping requirements on small entities.

The proposed rule does not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain provisions that create a federal mandate for states and local governments, as specified by Executive Order 12866 (58 FR 51735, October 4, 1993), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain any information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). This proposed rule does not impose any new information collection burden on the public or any increased recordkeeping requirements on small entities.

The proposed rule does not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain provisions that create a federal mandate for states and local governments, as specified by Executive Order 12866 (58 FR 51735, October 4, 1993), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

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The proposed rule does not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain provisions that create a federal mandate for states and local governments, as specified by Executive Order 12866 (58 FR 51735, October 4, 1993), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain any information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). This proposed rule does not impose any new information collection burden on the public or any increased recordkeeping requirements on small entities.

The proposed rule does not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain provisions that create a federal mandate for states and local governments, as specified by Executive Order 12866 (58 FR 51735, October 4, 1993), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain any information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). This proposed rule does not impose any new information collection burden on the public or any increased recordkeeping requirements on small entities.

The proposed rule does not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain provisions that create a federal mandate for states and local governments, as specified by Executive Order 12866 (58 FR 51735, October 4, 1993), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain any information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). This proposed rule does not impose any new information collection burden on the public or any increased recordkeeping requirements on small entities.

The proposed rule does not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain provisions that create a federal mandate for states and local governments, as specified by Executive Order 12866 (58 FR 51735, October 4, 1993), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211.

In addition, this proposed rule does not contain any information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). This proposed rule does not impose any new information collection burden on the public or any increased recordkeeping requirements on small entities.

The proposed rule does not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the proposed rule is not a significant regulatory action subject to the provisions of Executive Order 13211. 
DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2012–0003]

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.


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 Associate Administrator for Mitigation 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 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 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 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.