

EPA has concluded that these concerns are good cause per § 716.105(c) to withdraw the health and safety data reporting rule that it issued on December 3, 2012.

EPA finds that there is “good cause” under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) to withdraw this final rule without prior notice and comment. EPA believes notice and an opportunity for comment on this action are impracticable and unnecessary. Public notice and comment is impracticable because EPA has only a limited time to publish this withdrawal. That is, EPA must publish a document in the **Federal Register** pursuant to § 716.105(c) withdrawing the addition of cadmium before January 2, 2013, the effective date of the cadmium amendment. Furthermore, notice and comment is unnecessary because this withdrawal conforms to the withdrawal procedure of § 716.105(c) of the part 716 model rule, which EPA promulgated in 1985 regarding withdrawal after having solicited public comment on the need for and mechanics of this procedure as published in the **Federal Register** issue of August 28, 1985 (50 FR 34809). EPA is adhering to this previously promulgated procedure in this withdrawal, which requires such action to occur by publishing a **Federal Register** document “[p]rior to the effective date of [the listing] under paragraph (b) of this section.” See § 716.105(c).

EPA also finds that this final rule is not subject to the 30 day delay of the effective date generally required by 5 U.S.C. 553(d). This final rule is “a substantive rule which grants or recognizes an exemption or relieves a restriction,” 5 U.S.C. 553(d)(1), because it lifts the reporting requirement on certain manufacturers (including importers) of cadmium or cadmium compounds. This final rule must be made effective prior to the effective date of the addition of cadmium and cadmium compounds to the TSCA section 8(d) model rule (January 2, 2013) in order to relieve this restriction.

## II. Statutory and Executive Order Reviews

For the reasons already stated, this final rule withdraws a previously issued final rule without imposing any new requirements. As such, the following statutory and Executive Order requirements do not apply to this action:

- 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), Executive Order 13563, entitled “Improving Regulation and Regulatory Review” (76 FR 3821, January 21, 2011), or the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

- As discussed previously, the Agency has invoked the “good cause” exemption in APA section 553(b)(3)(B). Because this action is not subject to notice and comment requirements under the APA or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or Title II of the Unfunded Mandates Reform Act (2 U.S.C. 1531–1538).

- This final rule does not have tribal implications, as specified in Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), or federalism implications as specified in Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999).

- Since this action is not subject to Executive Order 12866, it is not subject to Executive Orders 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), and 13211, “Actions concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001).

- This action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 272 note) do not apply.

- The Agency is not required to and has not considered environmental justice-related issues as specified in Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

## III. Congressional Review Act (CRA)

Pursuant to the CRA (5 U.S.C. 801 *et seq.*), 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 action is not a “major rule” as defined by 5 U.S.C. 804(2). Section 808 of the CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C.

808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of January 2, 2013.

## List of Subjects in 40 CFR Part 716

Environmental protection, Chemicals, Hazardous substances, Health and safety studies, Reporting and recordkeeping requirements.

Dated: December 20, 2012.

**James Jones,**

*Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2012–31048 Filed 12–27–12; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA–2012–0003]

#### 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 in 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:** 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 (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.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 Associate Administrator for Mitigation 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:

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) modified
<b>City of Lubbock, Texas Docket No.: FEMA-B-1221</b>				
Texas .....	City of Lubbock .....	Playa System E1 .....	At the intersection of Avenue T and 40th Street. At the intersection of Slide Road and 58th Street.	+3206 +3256

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Lubbock**

Maps are available for inspection at City Hall, 1625 13th Street, Lubbock, TX 79401.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) modified	Communities affected
<b>Magoffin County, Kentucky, and Incorporated Areas Docket No.: FEMA-B-1229</b>			
Beetree Branch (backwater effects from Licking River).	At the Licking River confluence .....	+956	Unincorporated Areas of Magoffin County.
	Approximately 885 feet upstream of the Licking River confluence.	+956	
Big Half Mountain Creek (backwater effects from Licking River).	At the Licking River confluence .....	+901	Unincorporated Areas of Magoffin County.
	Approximately 355 feet upstream of Clyde Holliday Cemetery Road.	+901	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) modified	Communities affected
Brushy Fork (backwater effects from Licking River).	At the Licking River confluence .....	+976	Unincorporated Areas of Magoffin County.
	Approximately 865 feet upstream of the Licking River confluence.	+976	
Buck Branch (backwater effects from Licking River).	At the Licking River confluence .....	+932	Unincorporated Areas of Magoffin County.
	Approximately 1,615 feet upstream of the Licking River confluence.	+932	
Elk Creek (backwater effects from Licking River).	At the Licking River confluence .....	+848	Unincorporated Areas of Magoffin County.
	Approximately 175 feet upstream of Combs Branch Road.	+848	
Gardner Branch (backwater effects from Licking River).	At the Licking River confluence .....	+849	Unincorporated Areas of Magoffin County.
	Approximately 615 feet upstream of Connelly Farm Road.	+849	
Grape Creek (backwater effects from Licking River).	At the Licking River confluence .....	+828	Unincorporated Areas of Magoffin County.
	Approximately 0.7 mile upstream of the Licking River confluence.	+828	
Gun Creek (backwater effects from Licking River).	At the Licking River confluence .....	+890	Unincorporated Areas of Magoffin County.
	Approximately 700 feet upstream of State Highway 7	+890	
Johnson Creek (backwater effects from Licking River).	At the Licking River confluence .....	+829	Unincorporated Areas of Magoffin County.
	Approximately 870 feet upstream of State Highway 134.	+829	
Left Fork Licking River (backwater effects from Licking River).	Approximately 0.8 mile upstream of Bert T. Combs Mountain Parkway.	+846	Unincorporated Areas of Magoffin County.
	Approximately 1,505 feet upstream of State Highway 3337.	+846	
Lick Creek (backwater effects from Licking River).	At the Licking River confluence .....	+814	Unincorporated Areas of Magoffin County.
	Approximately 120 feet downstream of Hensley Road	+814	
Licking River .....	At the Morgan County boundary .....	+806	City of Salyersville, Unincorporated Areas of Magoffin County.
	Approximately 800 feet upstream of Quicksand Fork Road.	+1014	
Licking River Arc 1 .....	At the Licking River confluence .....	+849	Unincorporated Areas of Magoffin County.
	At the Licking River divergence .....	+849	
Licking River Arc 2 .....	At the Licking River confluence .....	+852	City of Salyersville, Unincorporated Areas of Magoffin County.
	Approximately 1,935 feet downstream of Main Street	+852	
Middle Fork Licking River (backwater effects from Licking River).	At the Licking River confluence .....	+846	Unincorporated Areas of Magoffin County.
	Approximately 0.8 mile upstream of Bert T. Combs Mountain Parkway.	+846	
Oakley Creek (backwater effects from Licking River).	At the Licking River confluence .....	+883	Unincorporated Areas of Magoffin County.
	Approximately 1,140 feet upstream of State Highway 1635.	+883	
Pricy Creek (backwater effects from Licking River).	At the Licking River confluence .....	+808	Unincorporated Areas of Magoffin County.
	Approximately 670 feet upstream of State Highway 3333.	+808	
Quicksand Fork (backwater effects from Licking River).	At the Licking River confluence .....	+1012	Unincorporated Areas of Magoffin County.
	Approximately 360 feet upstream of Quicksand Fork Road.	+1012	
Right Fork Buck Branch (backwater effects from Licking River).	At the Buck Branch confluence .....	+932	Unincorporated Areas of Magoffin County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) modified	Communities affected
Right Fork Licking River (backwater effects from Licking River).	Approximately 95 feet downstream of Buck Creek Road. Approximately 0.8 mile upstream of Bert T. Combs Mountain Parkway.	+932 +846	Unincorporated Areas of Magoffin County.
Salt Lick Branch (backwater effects from Licking River).	Approximately 1,670 feet upstream of Ghost Branch Road. At the Licking River confluence .....	+846 +924	Unincorporated Areas of Magoffin County.
Trace Fork (backwater effects from Licking River).	Approximately 0.6 mile upstream of State Highway 7 At the Licking River confluence ..... Approximately 1,410 feet upstream of the Licking River confluence.	+924 +943 +943	Unincorporated Areas of Magoffin County.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Salyersville**

Maps are available for inspection at City Hall, 315 East Maple Street, Salyersville, KY 41465.

**Unincorporated Areas of Magoffin County**

Maps are available for inspection at the Magoffin County Courthouse, Judge's Office, 457 Parkway Drive, Salyersville, KY 41465.

**Cass County, Missouri, and Incorporated Areas  
Docket No. FEMA B-1193**

Lake Winnebago ..... Unnamed Tributary to Lumpkins Fork (backwater effects from Lumpkins Fork).	Entire shoreline ..... From approximately 275 feet upstream of the Lumpkins Fork confluence to approximately 850 feet upstream of the Lumpkins Fork confluence.	+923 +962	City of Lake Winnebago. City of Raymore.
Unnamed Tributary to Mill Creek (backwater effects from Mill Creek).	From approximately 50 feet upstream of the Mill Creek confluence to approximately 850 feet upstream of the Mill Creek confluence.	+893	Village of Loch Lloyd.
Unnamed Tributary to Poney Creek (backwater effects from Poney Creek).	From approximately 1,300 feet upstream of the Poney Creek confluence to approximately 1.0 mile upstream of the Poney Creek confluence.	+845	Unincorporated Areas of Cass County.
Unnamed Tributary to South Grand River (backwater effects from South Grand River).	From approximately 1,850 feet upstream of South Lake Annette Road to approximately 0.49 mile upstream of South Lake Annette Road.	+849	Unincorporated Areas of Cass County.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Lake Winnebago**

Maps are available for inspection at City Hall, 10 East Winnebago Drive, Lake Winnebago, MO 64034.

**City of Raymore**

Maps are available for inspection at City Hall, 100 Municipal Circle, Raymore, MO 64083.

**Unincorporated Areas of Cass County**

Maps are available for inspection at the Cass County Courthouse, 102 East Wall Street, Harrisonville, MO 64701.

**Village of Loch Lloyd**

Maps are available for inspection at Cass County Codes and Zoning Office, 30508 Southwest Outer Road, Harrisonville, MO 64701.

**Kiowa County, Oklahoma, and Incorporated Areas  
Docket Nos.: FEMA-B-1158 and FEMA-B-1229**

Lake Altus .....	Entire shoreline within community .....	+1555	Unincorporated Areas of Kiowa County.
Tributary 1 .....	Approximately 1,200 feet downstream of A Street .....	+1347	City of Snyder, Unincorporated Areas of Kiowa County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) modified	Communities affected
Tributary 2 .....	Approximately 70 feet downstream of the railroad ..... Approximately 950 feet downstream of B Street .....  Approximately 600 feet downstream of the railroad ....	+1356 +1353  +1360	City of Snyder, Unincorporated Areas of Kiowa County.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Snyder**

Maps are available for inspection at City Hall, 721 E Street, Snyder, OK 73566.

**Unincorporated Areas of Kiowa County**

Maps are available for inspection at the Kiowa County Courthouse, 316 South Main Street, Hobart, OK 73651.

**Wayne County, West Virginia, and Incorporated Areas  
Docket No.: FEMA-B-1229**

Big Sandy River .....	At the Ohio River confluence .....	+550	Town of Fort Gay, Unincorporated Areas of Wayne County.
Mill Creek (backwater effects from Tug Fork).	At the Tug Fork confluence .....	+575	Town of Fort Gay.
Tug Fork .....	From the Tug Fork confluence to approximately 1.1 miles upstream of the Tug Fork confluence. At the Big Sandy River confluence ..... Approximately 0.5 mile upstream of the Big Sandy River confluence.	+575 +575 +575 +575	Town of Fort Gay.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Town of Fort Gay**

Maps are available for inspection at the Town Hall, 3407 Wayne Street, Fort Gay, WV 25514.

**Unincorporated Areas of Wayne County**

Maps are available for inspection at the Wayne County Courthouse, 700 Hendricks Street, Wayne, WV 25570.

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

**James A. Walke,**

*Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

**[Docket No. 120201086-2418-02]**

**RIN 0648-XC394**

**Fisheries of the Northeastern United States; Bluefish Fishery; Quota Transfer**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; quota transfer.

**SUMMARY:** NMFS announces that the State of Florida is transferring a portion of its 2012 commercial bluefish quota to the State of New York. By this action,

NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

**DATES:** Effective December 21, 2012, through December 31, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Carly Bari, Fishery Management Specialist, 978-281-9224.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Florida through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.162.

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan, which was published on July 26, 2000 (65 FR 45844),