

proposing approval of the same submitted rules. If we receive adverse comments by February 5, 2007, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on March 5, 2007. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

### III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will 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 this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 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**. 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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 5, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and

shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 7, 2006.

**Wayne Nastri,**

*Regional Administrator, Region IX.*

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

### PART 52—[AMENDED]

■ 1. The authority citation for Part 52 continues to read as follows:

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

### Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(336)(i)(C)(2) and (c)(342)(i)(C)(3) to read as follows:

#### § 52.220 Identification of plan.

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*   *   *   *   *
(c) * * *
(336) * * *
(i) * * *
(C) * * *
(2) Rule 424, adopted on November 9,
1982 and revised on January 11, 2005.
*   *   *   *   *
(342) * * *
(i) * * *
(C) * * *
(3) Rule 463, adopted on August 15,
1977 and amended on May 6, 2005.
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[FR Doc. E6-22416 Filed 1-3-07; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 65

[Docket No. FEMA-B-7703]

### 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 Division Director 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 Section, Mitigation Division, 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 pursuant to policies established by the other Federal, State, or regional entities. The changes BFEs are in accordance with 44 CFR 65.4.

*National Environmental Policy Act.* This interim 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 interim 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 interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

*Executive Order 12988, Civil Justice Reform.* This interim 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.
Arkansas: Washington.	City of Fayetteville 06-06-BA12P.	November 9, 2006 November 16, 2006 <i>Arkansas Democrat Gazette</i> .	The Honorable Dan Coody Mayor, City of Fayetteville 113 West Mountain Fayetteville, AR 72701.	November 20, 2006 ..	050216
California: Sacramento	Unincorporated areas of Sacramento County (06-09-BD69P).	November 9, 2006 November 16, 2006 <i>The Daily Territorial</i> .	The Honorable Roberta Macglashan Chair, Sacramento County Board of Supervisors 700 H Street, Suite 2450 Sacramento, CA 95814.	December 1, 2006 .....	060262
Contra Costa	City of Oakley (06-09-BA94P).	November 16, 2006 November 23, 2006 <i>Contra Costa Times</i> .	The Honorable Brad Nix Mayor, City of Oakley 3231 Main Street Oakley, CA 94561.	February 22, 2007 .....	060766
San Luis Obispo.	City of Arroyo Grande (06-09-BA92P).	November 22, 2006 November 29, 2006 <i>The Tribune</i> .	The Honorable Tony M. Ferrara Mayor, City of Arroyo Grande 215 East Branch Street Arroyo Grande, CA 93420.	February 28, 2007 .....	060305
Colorado: Boulder .....	Town of Lyons (06-08-B252P).	November 22, 2006 November 29, 2006 <i>The Daily Camera</i> .	The Honorable Tim Kyer Mayor, Town of Lyons P.O. Box 49 Lyons, CO 80540.	February 28, 2007 .....	080029

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.
Boulder .....	Unincorporated areas of Boulder County (06-08-B252P).	November 22, 2006 November 29, 2006 <i>The Daily Camera</i> .	The Honorable Ben Pearlman Chairman, Boulder County Board of Commissioners P.O. Box 471 Boulder, CO 80306.	February 28, 2007 .....	080023
Delaware: Sussex	Unincorporated areas of Sussex County (05-03-A587P).	November 29, 2006 December 6, 2006 <i>Delaware Wave</i> .	Mr. Robert L. Stickels County Administrator Sussex County No. 2 The Circle Georgetown, DE 19947.	March 7, 2007 .....	100029
Florida: Duvall .....	City of Jacksonville (06-04-BL18P).	November 20, 2006 November 27, 2006 <i>Jacksonville Daily Record</i> .	The Honorable John Peyton Mayor, City of Jacksonville 117 West Duval Street Jacksonville, FL 32202.	October 31, 2006 .....	120077
Duvall .....	City of Jacksonville (06-04-BL19P).	November 27, 2006 December 4, 2006 <i>Jacksonville Daily Record</i> .	The Honorable John Peyton Mayor, City of Jacksonville City Hall at St. James, Fourth Floor 117 West Duval Street Jacksonville, FL 32202.	December 1, 2006 .....	120077
Polk .....	City of Winter Haven (07-04-0025X).	November 9, 2006 November 16 2006 <i>The Polk County Democrat</i> .	The Honorable Mike Easterling Mayor, City of Winter Haven 451 Third Street Northwest Winter Haven, FL 33881.	October 19, 2006 .....	120271
Georgia: Peach ..	Unincorporated areas of Peach County (06-04-BM78P).	October 25, 2006 November 1, 2006 <i>The Leader Tribune</i> .	The Honorable James Khoury Chairman, Peach County Board of Commissioners 205 West Church Street, Suite 204 Fort Valley, GA 31030.	January 25, 2007 .....	130373
Maryland: Frederick.	Unincorporated areas of Frederick County (06-03-B384P).	November 9, 2006 November 16, 2006 <i>The Frederick News-Post</i> .	The Honorable John L. Thompson, Jr. President, Frederick County Board of County Commissioners Winchester Hall 12 East Church Street Frederick, MD 21701.	February 15, 2007 .....	240027
Mississippi: Rankin.	City of Brandon (06-04-B977P).	August 16, 2006 August 23, 2006 <i>Rankin County News</i> .	The Honorable Carlo Martella Mayor, City of Brandon P.O. Box 1539 Brandon, MS 39043.	November 22, 2006 ..	280143
Missouri: Warren	City of Wright City (06-07-B605P).	November 16, 2006 November 23, 2006 <i>Warren County Record</i> .	The Honorable Eileen Klocke Mayor, City of Wright City P.O. Box 436 Wright City, MO 63390.	February 22, 2007 .....	290654
Missouri: Warren	Unincorporated areas of Warren County (06-07-B605P).	November 16, 2006 November 23, 2006 <i>Warren County Record</i> .	The Honorable Fred Vahle Presiding Commissioner, Warren County Board of Commissioners 104 West Main Street, Suite B Warrenton, MO 63383.	February 22, 2007 .....	290443
South Dakota: Brown .....	City of Aberdeen (06-08-B272P).	November 2, 2006 November 9, 2006 <i>Aberdeen American News</i> .	The Honorable Mike Levsen Mayor, City of Aberdeen 123 South Lincoln Aberdeen, SD 57401.	February 8, 2007 .....	460007
Brown .....	Unincorporated areas of Brown County (06-08-B272P).	November 2, 2006 November 9, 2006 <i>Aberdeen American News</i> .	The Honorable Deb Knecht Chairman, Brown County Board of Commissioners 25 Market Street Aberdeen, SD 57401.	February 8, 2007 .....	460006
Tennessee: Hamilton.	City of Chattanooga (05-04-3186P).	November 16, 2006 November 23, 2006 <i>Chattanooga Times Free Press</i> .	The Honorable Ron Littlefield Mayor, City of Chattanooga 1001 Lindsay Street Chattanooga, TN 37402.	February 22, 2007 .....	370072
Texas: Dallas .....	City of Hutchins (06-06-B194P).	November 22, 2006 November 29, 2006 <i>The Daily Commercial Record</i> .	The Honorable Artis Johnson Mayor, City of Hutchins P.O. Box 500 Hutchins, TX 75141.	February 28, 2007 .....	480179
Dallas .....	City of Wilmer (06-06-B194P).	November 22, 2006 November 29, 2006 <i>The Daily Commercial Record</i> .	The Honorable Linda Root Mayor, City of Wilmer 128 North Dallas Avenue Wilmer, TX 75172.	February 28, 2007 .....	480190

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.
El Paso .....	City of El Paso (06-06-B414P).	November 9, 2006 November 16, 2006 <i>El Paso Times</i> .	The Honorable John Cook Mayor, City of El Paso Two Civic Center Plaza, 10th Floor El Paso, TX 79901.	February 15, 2007 .....	480214

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: December 22, 2006.

**David I. Maurstad,**

*Director Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.*

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**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

#### 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 on 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:**

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 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 Mitigation Division Director of FEMA 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:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
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#### Saluda County, South Carolina and Incorporated Areas Docket No.: FEMA B-7462

Big Creek .....	Approximately 510 feet downstream of Shiloh Road. Approximately 760 feet upstream of Shiloh Road.	+420 +424	Saluda County (Unincorporated Areas).
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