

matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 21, 2011.

**James B. Martin,**

*Regional Administrator, Region 8.*

40 CFR part 52 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 G—Colorado**

■ 2. Section 52.320 is amended by adding paragraph (c)(122) to read as follows:

### **§ 52.320 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(122) The State of Colorado submitted revisions October 25, 2005 to Colorado's 5 CCR 1001–5 Regulation Number 3, Part A and Colorado's 5 CCR 1001–5 Regulation Number 3, Part D. The October 25, 2005 submittal included language changes and renumbering of Regulation Number 3. The incorporation by reference in ((i)(A) and (i)(B) reflects the renumbered sections and language changes as of the October 25, 2005 submittal.

(i) Incorporation by reference.

(A) 5 CCR 1001–5, Regulation 3, *Stationary Source Permitting and Air Contaminant Emission Notice Requirements*, Part A, *Concerning General Provisions Applicable to Reporting and Permitting*, adopted April 16, 2004 and effective June 30, 2004:

Section I, *Applicability*, Sections I.B, *Definitions*; I.B.7, *Allowable Emissions*; I.B.13, *Continuous Emissions Monitoring System (CEMS)*; I.B.14, *Continuous Emissions Rate Monitoring Systems (CERMS)*; I.B.15, *Continuous Parameter Monitoring System (CPMS)*; I.B.33, *Pollution Prevention*; I.B.35, *Potential to Emit*; I.B.36, *Predictive Emissions Monitoring System (PEMS)*; adopted April 16, 2004 and effective June 30, 2004.

(B) 5 CCR 1001–5, Regulation 3, *Stationary Source Permitting and Air Contaminant Emission Notice Requirements*, Part D, *Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration*, adopted April 16, 2004 and effective June 30, 2004:

(1) Section I, *Applicability*,

(i) I.A., *General Applicability*; I.A.2; I.A.3;

(ii) I.B, *Applicability Tests*; I.B.1; I.B.2; I.B.4 (except the final sentence beginning, “For example...”); I.B.5;

(iii) I.C;

(2) Section II, *Definitions*,

(i) II.A;

(ii) II.A; II.A.1, *Actual Emissions*;

II.A.1.a (only the language that appears as plain or italicized text); II.A.1.c (only the language that appears as plain text); II.A.1.d;

(iii) II.A.2, *Actuals PAL*;

(iv) II.A.4, *Baseline Actual Emissions*;

(v) II.A.7, *Begin Actual Construction*;

(vi) II.A.9, *Clean Coal Technology*;

(vii) II.A.10, *Clean Coal Technology Demonstration Project*;

(viii) II.A.13, *Construction*;

(ix) II.A.14, *Emissions Unit*;

(x) II.A.15, *Electric Utility Steam Generating Unit*;

(xi) II.A.17, *High Terrain*;

(xii) II.A.18, *Hydrocarbon Combustion Flare*;

(xiii) II.A.20, *Low Terrain*;

(xiv) II.A.21, *Lowest Achievable Emission Rate (LAER)*; II.A.21.b (only the language that appears as plain or italicized text);

(xv) II.A.22, *Major Emissions Unit*;

(xvi) II.A.23, *Major Modification* (only the language that appears as plain and italicized text); II.A.23.d.(iii);

II.A.23.d(x); II.A.23.d(xi); II.A.23.e;

(xvii) II.A.25, *Major Stationary Source*; II.A.25.b (only the language that appears as plain or italicized text);

(xviii) II.A.27, *Net Emissions Increase*;

II.A.27.a.(i) (only the language that appears as plain or italicized text); II.A.27.a.(ii); II.A.27.b; II.A.27.g.(iii) (only the language that appears as plain or italicized text); II.A.27.i;

(xix) II.A.28, *Nonattainment Major*

*New Source Review (NSR) Program*;

(xx) II.A.29, *PAL Effective Date*;

(xxi) II.A.30, *PAL Effective Period*;

(xxii) II.A.31, *PAL Major Modification*;

(xxiii) II.A.32, *PAL Permit*;

(xxiv) II.A.33, *PAL Pollutant*;

(xxv) II.A.34, *Plantwide Applicability Limitation (PAL)*;

(xxvi) II.A.36, *Prevention of*

*Significant Deterioration (PSD) Permit*;

(xxvii) II.A.37, *Project*;

(xxviii) II.A.38, *Projected Actual Emissions*;

(xxvix) II.A.39, *Reactivation of Very Clean Coal-fired Electric Utility Steam Generating Unit*;

(xxx) II.A.41, *Replacement Unit*;

(xxxi) II.A.42, *Repowering*;

(xxxii) II.A.43, *Secondary Emissions*;

(xxxiii) II.A.46, *Significant Emissions Unit*;

(xxxiv) II.A.47, *Small Emissions Unit*;

(xxxv) II.A.48, *Temporary Clean Coal Technology Demonstration Project*;

(3) Section V, *Requirements*

*Applicable to Nonattainment Areas*, V.A.7.c (except for the phrases, “a Clean Unit or at”, “a reasonable possibility

that”, and “may result in a significant emissions increase”); V.A.7.d;

(4) Section VI, *Requirements*

*applicable to attainment and unclassifiable areas and pollutants implemented under section 110 of the Federal Act (Prevention of Significant Deterioration Program)*, Sections VI.A.1.c (only the language that appears as plain or italicized text); VI.B.5 (except for the phrases, “a Clean Unit or at”, “a reasonable possibility that”, and “may result in a significant emissions increase”); VI.B.6;

(5) Section XVII, *Actuals PALs*; adopted April 16, 2004 and effective June 30, 2004.

[FR Doc. 2012–8349 Filed 4–9–12; 8:45 am]

## **BILLING CODE 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:** *Effective 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.

**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:

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>Gilmer County, Georgia, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1155</b>			
Cartecay River .....	Approximately 1.12 miles upstream of Holt Bridge Road .....	+1290	Unincorporated Areas of Gilmer County.
	Approximately 0.24 mile upstream of the Owltown Creek confluence.	+1519	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

#### ADDRESSES

##### Unincorporated Areas of Gilmer County

Maps are available for inspection at the Gilmer County Courthouse, 1 Broad Street, Ellijay, GA 30540.

<b>Chisago County, Minnesota, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1134</b>			
Lake Ellen .....	Entire shoreline .....	+895	City of Chisago City.
Skogman Lake .....	Entire shoreline within Chisago County .....	+950	Unincorporated Areas of Chisago 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 Chisago City

Maps are available for inspection at City Hall, 10625 Railroad Avenue, Chisago City, MN 55013.

##### Unincorporated Areas of Chisago County

Maps are available for inspection at the Chisago County Government Center, 313 North Main Street, Center City, MN 55012.

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>Clay County, Minnesota, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1078</b>			
Buffalo River .....	At the confluence with the Red River of the North .....	+883	City of Georgetown, Unincorporated Areas of Clay County.
Oakport Coulee .....	Just downstream of U.S. Route 10 (1st crossing) .....	+948	Unincorporated Areas of Clay County.
	At the convergence with the Red River of the North .....	+893	
County Ditch No. 20 (Lower Reach).	Approximately 2,500 feet downstream of Wall Street Avenue North/County Highway 22.	+896	Unincorporated Areas of Clay County.
	At the convergence with the Red River of the North .....	+888	
	At the divergence from County Ditch No. 20 (Connecting Reach/Upper Reach).	+893	
County Ditch No. 41 .....	Approximately 5,645 feet downstream of Main Street South/County Highway 78.	+908	City of Moorhead, Unincorporated Areas of Clay County.
County Ditch No. 41 Lateral No. 1.	At the divergence of County Ditch No. 41 Lateral No. 1 .....	+910	City of Dilworth, Unincorporated Areas of Clay County.
	At 34th Street North .....	+906	
County Ditch No. 50 .....	At the divergence of County Ditch No. 41 .....	+910	City of Dilworth.
	At 34th Street North .....	+905	
	Approximately 1,700 feet upstream of U.S. Route 10/Center Avenue East.	+910	
County Drain No. 51 .....	At the confluence with the Buffalo River .....	+891	Unincorporated Areas of Clay County.
	Approximately 3,900 feet upstream of 90th Avenue North/County Highway 26.	+902	
Glyndon Tributary .....	Approximately 1,700 feet downstream of U.S. Route 10/State Street.	+916	City of Glyndon, Unincorporated Areas of Clay County.
	At 110th Street South/County Highway 71 .....	+926	
Red River of the North .....	At the Norman County boundary .....	+879	City of Georgetown, City of Moorhead, Unincorporated Areas of Clay County.
	At the Wilkin County boundary .....	+919	
South Branch Buffalo River ...	At the confluence with the Buffalo River .....	+915	Unincorporated Areas of Clay County.
	Approximately 200 feet downstream of 180th Avenue South	+942	
South Branch Wild Rice River	Backwater area approximately 1,450 feet downstream of Burlington Northern & Santa Fe Railway/State Highway 32.	+1119	City of Ulen.
Stony Creek .....	At the confluence with South Branch Buffalo River .....	+924	Unincorporated Areas of Clay County.
Unnamed Tributary to Whisky Creek.	Approximately 100 feet upstream of the confluence with South Branch Buffalo River.	+924	
	At 165th Avenue South .....	+993	Unincorporated Areas of Clay County.
	Approximately 3,110 feet upstream of Front Street South/County Highway 52.	+1030	

\* 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 Dilworth**

Maps are available for inspection at 21st Avenue Southeast, Dilworth, MN 56529.

**City of Georgetown**

Maps are available for inspection at 127 Main Street, Georgetown, MN 56546.

**City of Glyndon**

Maps are available for inspection at 36 3rd Street Southeast, Glyndon, MN 56547.

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
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**City of Moorhead**

Maps are available for inspection at 500 Center Avenue, Moorhead, MN 56561.

**City of Ulen**

Maps are available for inspection at 201 1st Street Northwest, Ulen, MN 56585.

**Unincorporated Areas of Clay County**

Maps are available for inspection at 807 11th Street North, Moorhead, MN 56560.

**Tioga County, New York (All Jurisdictions)  
Docket No.: FEMA-B-1089**

Apalachin Creek .....	At the confluence with the Susquehanna River .....	+826	Town of Owego.
	Approximately 1,729 feet upstream of Main Street .....	+826	
Owego Creek .....	At the confluence with the Susquehanna River .....	+813	Town of Tioga, Village of Owego.
	Approximately 3,529 feet upstream of Waverly Road/West Main Street.	+813	
Susquehanna River .....	Approximately 2.3 miles upstream of State Route 17 .....	+781	Town of Barton, Town of Nichols, Town of Owego, Town of Tioga, Village of Nichols, Village of Owego.
	Approximately 2.4 miles upstream of Valley View Drive .....	+829	
West Branch Owego Creek ..	Approximately 2.86 miles upstream of West Newark Cross Road.	+1028	Town of Berkshire.
	Approximately 2.95 miles upstream of West Newark Cross Road.	+1029	

\* 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 Barton**

Maps are available for inspection at the Barton Town Hall, 304 State Route 17C, Waverly, NY 14892.

**Town of Berkshire**

Maps are available for inspection at the Town Hall, 18 Railroad Avenue, Berkshire, NY 13736.

**Town of Nichols**

Maps are available for inspection at the Nichols Town Hall, 54 East River Road, Nichols, NY 13812.

**Town of Owego**

Maps are available for inspection at the Owego Town Hall, 2354 State Route 434, Apalachin, NY 13812.

**Town of Tioga**

Maps are available for inspection at the Tioga Town Hall, 54 5th Avenue, Tioga Center, NY 13845.

**Village of Nichols**

Maps are available for inspection at the Nichols Town Hall, 54 East River Road, Nichols, NY 13812.

**Village of Owego**

Maps are available for inspection at the Owego Village Municipal Building, Old Jail, 178 Main Street, Owego, NY 13827.

**Wagoner County, Oklahoma, and Incorporated Areas  
Docket Nos.: FEMA-B-1022 and FEMA-B-1112**

Adams Creek .....	Approximately 717 feet downstream of the confluence with School Creek.	+600	Town of Fair Oaks.
	Approximately 0.61 mile upstream of the confluence with School Creek.	+605	
Arkansas River .....	Approximately 6,809 feet from U.S. Route 69 upstream to the limit of detailed study.	+516	Unincorporated Areas of Wagoner County.
	Approximately 15,526 feet from U.S. Route 69 downstream to the limit of detailed study.	+523	
Arkansas River (Corp of Engineers).	Approximately 10,354 feet from State Highway 104 downstream to the limit of detailed study.	+551	Unincorporated Areas of Wagoner County.
	Limit of detailed study at Tulsa County boundary .....	+582	
East Coal Creek .....	Approximately 386 feet upstream from River Park Avenue	+561	City of Wagoner.
	Approximately 213 feet upstream of Railroad Culvert .....	+570	
Salt Creek .....	Approximately 0.60 mile downstream of 305th Avenue .....	+557	Town of Fair Oaks.

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
Verdigris River .....	Approximately 365 feet upstream of 257th Avenue .....	+607	Town of Okay.
	Approximately 245 feet downstream of 72nd Street .....	+516	
	Approximately 0.45 mile upstream of 72nd Street .....	+516	

\* 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 Fair Oaks

Maps are available for inspection at the Rogers County Commissioners Office, 219 South Missouri Street, Claremore, OK 74017.

##### Town of Okay

Maps are available for inspection at the Wagoner County Commissioners Office, 306 East Cherokee Street, Wagoner, OK 74107.

##### City of Wagoner

Maps are available for inspection at the Wagoner County Commissioners Office, 306 East Cherokee Street, Wagoner, OK 74107.

##### Unincorporated Areas of Wagoner County

Maps are available for inspection at the Wagoner County Commissioners Office, 306 East Cherokee Street, Wagoner, OK 74107.

#### Lawrence County, South Dakota, and Incorporated Areas Docket No.: FEMA-B-1069

Hungry Hollow Gulch .....	Approximately 350 feet downstream of Ames Avenue .....	+3632	City of Spearfish.
	Approximately 645 feet upstream of Saint Joe Street .....	+3699	
Ice House Creek .....	Approximately 25 feet upstream of Grant Street .....	+3658	City of Spearfish.
	Approximately 50 feet upstream of State Street .....	+3686	
Ice House Creek Tributary A	Approximately 73 feet downstream of 8th Street .....	+3663	City of Spearfish.
	Approximately 150 feet downstream of State Street .....	+3671	
Riggs Gulch .....	Approximately 200 feet downstream of U.S. Route 14A .....	+3764	City of Spearfish.
	Approximately 920 feet upstream of Colorado Boulevard .....	+3843	
Spearfish Creek .....	Just downstream of Utah Boulevard .....	+3570	City of Spearfish, Unincorporated Areas of Lawrence County.
Unnamed Tributary to Higgins Gulch.	Approximately 1,300 feet upstream of Winterville Drive .....	+3726	City of Spearfish.
	Approximately 4,430 feet downstream of the I-90 West ramp.	+3440	
	Approximately 1,500 feet downstream of the I-90 West ramp.	+3491	

\* 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 Spearfish

Maps are available for inspection at 625 5th Street, Spearfish, SD 57783.

##### Unincorporated Areas of Lawrence County

Maps are available for inspection at 90 Sherman Street, Deadwood, SD 57732.

#### Sumner County, Tennessee, and Incorporated Areas Docket No.: FEMA-B-1185

East Camp Creek .....	Approximately 1,110 feet downstream of U.S. Route 31 .....	+453	City of Gallatin.
	At the downstream side of State Route 25 .....	+486	
North Donoho Branch .....	At the upstream side of the railroad .....	+794	City of Portland.
	Approximately 0.6 mile upstream of the railroad .....	+794	
Sink Hole Creek .....	At the downstream side of Newton Lane .....	+475	City of Gallatin, Unincorporated Areas of Sumner County.
Sink Hole Creek Tributary .....	Approximately 0.4 mile upstream of Airport Driveway .....	+571	City of Gallatin, Unincorporated Areas of Sumner County.
	Approximately 320 feet upstream of the Sink Hole Creek confluence.	+498	
	Approximately 580 feet upstream of Airport Road .....	+547	

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
Station Camp Creek .....	At the upstream side of Lower Station Camp Road .....	+452	City of Gallatin, City of Hendersonville, Unincorporated Areas of Sumner County.
	Approximately 0.8 mile downstream of the Strother Branch confluence.	+554	

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+ North American Vertical Datum.

# Depth in feet above ground.

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#### ADDRESSES

##### City of Gallatin

Maps are available for inspection at City Hall, 132 West Main Street, Gallatin, TN 37066.

##### City of Hendersonville

Maps are available for inspection at City Hall, Planning and Zoning, 1 Executive Park Drive, Hendersonville, TN 37075.

##### City of Portland

Maps are available for inspection at City Hall, 100 South Russell Street, Portland, TN 37148.

##### Unincorporated Areas of Sumner County

Maps are available for inspection at the Sumner County Building Department, 355 North Belvedere Drive, Room 202, Gallatin, TN 37066.

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

Dated: March 22, 2012.

**Sandra K. Knight,**

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

[FR Doc. 2012-8568 Filed 4-9-12; 8:45 am]

**BILLING CODE 9110-12-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:** *Effective date:* 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.