

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 1, 2013.

**Samuel Coleman,**

Acting Regional Administrator, EPA Region 6.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

**Appendix B to Part 300 [Amended]**

■ 2. Table of Appendix B to part 300 is amended by removing “Mosley Road Sanitary Landfill Superfund Site”, “Oklahoma City”.

[FR Doc. 2013–19481 Filed 8–9–13; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket ID FEMA–2013–0002]

**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 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:

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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**Butler County, Kentucky, and Incorporated Areas  
Docket No.: FEMA–B–1089**

Barren River (Backwater effects from Green River).	From the confluence with the Green River to approximately 0.6 mile upstream of the confluence with Little Muddy Creek.	+424	Unincorporated Areas of Butler County.
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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
Big Bull Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 0.5 mile upstream of Johnson Cemetery Road.	+428	Unincorporated Areas of Butler County.
Big Reedy Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 1,202 feet downstream of the confluence with Big Reedy Creek Tributary 4.	+433	Unincorporated Areas of Butler County.
Deerlick Creek (Backwater effects from Green River).	From the confluence with the Mud River to approximately 935 feet upstream of Penrod Road.	+404	Unincorporated Areas of Butler County.
Deerlick Creek Tributary 6 (Backwater effects from Green River).	From the confluence with Deerlick Creek to approximately 765 feet upstream of the confluence with Deerlick Creek.	+404	Unincorporated Areas of Butler County.
East Prong Indian Camp Creek (Backwater effects from Green River).	From the confluence with Indian Camp Creek to approximately 1,179 feet downstream of the confluence with East Prong Indian Camp Creek.	+415	Unincorporated Areas of Butler County.
Gary Creek (Backwater effects from Green River).	From the confluence with Little Reedy Creek to approximately 0.9 mile upstream of the confluence with Little Reedy Creek.	+429	Unincorporated Areas of Butler County.
Grassy Lick Creek (Backwater effects from Green River).	From the confluence with Muddy Creek to approximately 1.1 mile downstream of Sandy Creek Road.	+407	Unincorporated Areas of Butler County.
Green River .....	At the confluence with the Mud River .....	+404	City of Morgantown, City of Rochester, City of Woodbury, Unincorporated Areas of Butler County.
Hickory Camp Creek (Backwater effects from Green River).	At approximately 1.7 mile upstream of Reedyville Road .... From the confluence with Panther Creek to approximately 478 feet upstream of the confluence with Hickory Camp Creek Tributary 1.	+438 +405	Unincorporated Areas of Butler County.
Hickory Camp Creek Tributary 1 (Backwater effects from Green River).	From the confluence with Hickory Camp Creek to approximately 676 feet upstream of the confluence with Hickory Camp Creek.	+405	Unincorporated Areas of Butler County.
Indian Camp Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 1.1 mile downstream of Dexterville-Gilstrap Road.	+415	Unincorporated Areas of Butler County.
Lindsey Creek (Backwater effects from Green River).	From the confluence with East Prong Indian Camp Creek to approximately 0.4 mile downstream of Brownsville Road.	+415	Unincorporated Areas of Butler County.
Little Bull Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 0.6 mile upstream of the confluence with Tallow Branch.	+425	Unincorporated Areas of Butler County.
Little Reedy Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 0.9 mile upstream of the confluence with Rosy Creek.	+429	Unincorporated Areas of Butler County.
Meffords Branch (Backwater effects from Green River).	From the confluence with the Mud River to approximately 1,425 feet upstream of Perry Harper Road.	+404	Unincorporated Areas of Butler County.
Meffords Branch Tributary 4 (Backwater effects from Green River).	From the confluence with Meffords Branch to approximately 0.6 mile upstream of the confluence with Meffords Branch.	+404	Unincorporated Areas of Butler County.
Mud River (Backwater effects from Green River).	From the confluence with the Green River to approximately 2.2 miles upstream of the confluence with Deerlick Creek.	+404	Unincorporated Areas of Butler County, City of Rochester.
Mud River Tributary 17 (Backwater effects from Green River).	From the confluence with the Green River to approximately 314 feet upstream of Rochester Road.	+404	Unincorporated Areas of Butler County, City of Rochester.
Mud River Tributary 17.2 (Backwater effects from Green River).	From the confluence with Mud River Tributary 17 to approximately 312 feet upstream of Rochester Road.	+404	Unincorporated Areas of Butler County.
Muddy Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 877 feet upstream of the confluence with Muddy Creek Tributary 18.	+407	Unincorporated Areas of Butler County.
Muddy Creek Tributary 18 (Backwater effects from Green River).	From the confluence with Muddy Creek to approximately 1,306 feet upstream of the confluence with Muddy Creek.	+407	Unincorporated Areas of Butler County.
Muddy Creek Tributary 27 (Backwater effects from Green River).	From the confluence with Muddy Creek to approximately 1,421 feet downstream of Muddy Creek Tributary 27.2.	+407	Unincorporated Areas of Butler 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
Muddy Creek Tributary 39.1 (Backwater effects from Green River).	From the confluence with Muddy Creek to approximately 669 feet downstream of Muddy Creek Tributary 39.1.	+407	Unincorporated Areas of Butler County.
Panther Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 1,550 feet downstream of G. Southerland Road.	+405	Unincorporated Areas of Butler County.
Pipe Spring Hollow (Backwater effects from Green River).	From the confluence with the Green River to just downstream of William H. Natcher Parkway.	+408	Unincorporated Areas of Butler County.
Pitman Creek (Backwater effects from Green River).	From the confluence with Welch Creek to approximately 554 feet upstream of the confluence with Pitman Creek Tributary 3.	+419	Unincorporated Areas of Butler County.
Pitman Creek Tributary 3 (Backwater effects from Green River).	From the confluence with Pitman Creek to approximately 280 feet upstream of the confluence with Pitman Creek.	+419	Unincorporated Areas of Butler County.
Renfrow Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 177 feet downstream of Bowling Green Road.	+419	Unincorporated Areas of Butler County.
Renfrow Creek Tributary 6 (Backwater effects from Green River).	From the confluence with Renfrow Creek to approximately 1,236 feet downstream of Embry Way.	+419	Unincorporated Areas of Butler County.
Renfrow Creek Tributary 7 (Backwater effects from Green River).	From the confluence with Renfrow Creek to just downstream of South Main Street.	+419	Unincorporated Areas of Butler County.
Renfrow Creek Tributary 8 (Backwater effects from Green River).	From the confluence with Renfrow Creek to approximately 0.5 mile upstream of the confluence with Renfrow Creek.	+419	Unincorporated Areas of Butler County.
Renfrow Creek Tributary 9 (Backwater effects from Green River).	From the confluence with Renfrow Creek to just upstream of East Whalen Road.	+419	Unincorporated Areas of Butler County.
Rosy Creek (Backwater effects from Green River).	From the confluence with Little Reedy Creek to approximately 0.7 mile upstream of the confluence with Little Reedy Creek.	+429	Unincorporated Areas of Butler County.
Sandy Creek (Backwater effects from Green River).	From the confluence with Muddy Creek to approximately 494 feet downstream of Martin Road.	+407	Unincorporated Areas of Butler County.
Sandy Creek Tributary 5 (Backwater effects from Green River).	From the confluence with Sandy Creek to just upstream of Dunbar-Leetown Road.	+407	Unincorporated Areas of Butler County.
Tallow Branch (Backwater effects from Green River).	From the confluence with Little Bull Creek to approximately 0.5 mile upstream of the confluence with Little Bull Creek.	+426	Unincorporated Areas of Butler County.
Welch Creek (Backwater effects from Green River).	From the confluence with the Green River to just downstream of Brownsville Road.	+419	Unincorporated Areas of Butler County.
West Prong Indian Camp Creek (Backwater effects from Green River).	From the confluence with Indian Camp Creek to approximately 3.7 miles upstream of the confluence with Indian Camp Creek.	+414	Unincorporated Areas of Butler County.
Wolfpen Hollow (Backwater effects from Green River).	From the confluence with East Prong Indian Camp Creek to approximately 1,205 feet downstream of McKendree Chapel Road.	+415	Unincorporated Areas of Butler 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 Woodbury

Maps are available for inspection at 1 Lock 4 Road, Woodbury, KY 42288.

##### City of Morgantown

Maps are available for inspection at City Hall, 117 North Main Street, Morgantown, KY 42261.

##### City of Rochester

Maps are available for inspection at City Hall, 672 Russellville Street, Rochester, KY 42273.

##### Unincorporated Areas of Butler County

Maps are available for inspection at the County Courthouse, 110 North Main Street, Morgantown, KY 42261

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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**Scott County, Kentucky, and Incorporated Areas  
Docket No.: FEMA-B-1089**

Dry Run .....	Approximately 0.5 mile upstream of the North Elkhorn Creek confluence.	+801	City of Georgetown, Unincorporated Areas of Scott County.
Dry Run Tributary 1 (backwater effects from Dry Run).	Approximately 1.2 miles upstream of Burton Pike .....	+880	Unincorporated Areas of Scott County.
Hall Branch (backwater effects from Eagle Creek).	From the Dry Run confluence to approximately 0.3 mile downstream of I-75.	+828	Unincorporated Areas of Scott County.
Lane Run .....	From the Eagle Creek confluence to approximately 0.3 mile upstream of Hinton-Sadieville Road.	+780	Unincorporated Areas of Scott County.
McCracken Creek (backwater effects from North Elkhorn Creek).	At the North Elkhorn Creek confluence .....	+811	City of Georgetown, Unincorporated Areas of Scott County.
Royal Springs Creek (backwater effects from North Elkhorn Creek).	Approximately 850 feet upstream of Delaplain Road .....	+889	City of Georgetown, Unincorporated Areas of Scott County.
South Elkhorn Creek .....	From the North Elkhorn Creek confluence to approximately 269 feet downstream of the McCracken Creek Tributary 2 confluence.	+782	City of Georgetown, Unincorporated Areas of Scott County.
Spoon Branch (backwater effects from Eagle Creek).	From the North Elkhorn Creek confluence to approximately 0.4 mile upstream of Paddler Lane.	+798	City of Georgetown, Unincorporated Areas of Scott County.
Town Branch (backwater effects from South Elkhorn Creek).	Just downstream of South Weisenberger Mill Road .....	+813	Unincorporated Areas of Scott County.
Dry Run Tributary 2 (backwater effects from Dry Run).	At the Town Branch confluence .....	+816	City of Sadieville, Unincorporated Areas of Scott County.
Hall Branch (backwater effects from Eagle Creek).	From the Eagle Creek confluence to approximately 783 feet upstream of Sadieville Road.	+778	City of Sadieville, Unincorporated Areas of Scott County.
South Elkhorn Creek (backwater effects from North Elkhorn Creek).	From the South Elkhorn Creek confluence to approximately 0.4 mile upstream of the South Elkhorn Creek confluence.	+816	Unincorporated Areas of Scott 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 Georgetown**  
 Maps are available for inspection at City Hall, 100 Court Street, Georgetown, KY 40324.

**City of Sadieville**  
 Maps are available for inspection at City Hall, 605 Pike Street, Sadieville, KY 40370.

**Unincorporated Areas of Scott County**  
 Maps are available for inspection at 100 East Main Street, Georgetown, KY 40324.

**Schenectady County, New York (All Jurisdictions)  
Docket No.: FEMA-B-1184**

Lisha Kill .....	Approximately 1,825 feet downstream of New York Route 7 (Troy-Schenectady Road).	+238	Town of Niskayuna.
Mohawk River .....	At the Albany County boundary .....	+269	City of Schenectady, Town of Glenville, Town of Rotterdam, Village of Scotia.
Normans Kill .....	At Canadian Pacific Railway Bridge .....	+225	City of Schenectady, Town of Glenville, Town of Rotterdam, Village of Scotia.
Poentic Kill .....	Approximately 1.08 miles downstream of Lock 8 .....	+231	Town of Princetown.
Schoharie Creek .....	Approximately 1.15 miles downstream of Giffords Church Road.	+276	Town of Princetown.
Lisha Kill .....	Approximately 1.16 miles upstream of Giffords Church Road.	+292	Town of Princetown.
Mohawk River .....	At the Mohawk River confluence .....	+231	City of Schenectady, Town of Rotterdam
Lisha Kill .....	Approximately 0.93 mile upstream of Campbell Road .....	+306	City of Schenectady, Town of Rotterdam
Mohawk River .....	Approximately 3.23 miles downstream of U.S. Route 20 ...	+541	Town of Duanesburg
Lisha Kill .....	Approximately 3.13 miles upstream of U.S. Route 20 .....	+590	Town of Duanesburg

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

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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## ADDRESSES

**City of Schenectady**

Maps are available for inspection at City Hall, 105 Jay Street, Schenectady, NY 12305.

**Town of Duaneburg**

Maps are available for inspection at the Town Hall, 5853 Western Turnpike, Duaneburg, NY 12056.

**Town of Glenville**

Maps are available for inspection at the Municipal Center, 18 Glenridge Road, Glenville, NY 12302.

**Town of Niskayuna**

Maps are available for inspection at the Town Hall, 1 Niskayuna Circle, Niskayuna, NY 12309.

**Town of Princetown**

Maps are available for inspection at the Princetown Town Hall, 165 Princetown Plaza, Schenectady, NY 12306.

**Town of Rotterdam**

Maps are available for inspection at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306.

**Village of Scotia**

Maps are available for inspection at the Village Hall, 4 North Ten Broeck Street, Scotia, NY 12302.

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

Dated: July 26, 2013.

**Roy E. Wright,**

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

[FR Doc. 2013-19401 Filed 8-9-13; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration****49 CFR Part 395**

[Docket No. FMCSA-2012-0183]

**Hours of Service of Drivers of Commercial Motor Vehicles; Regulatory Guidance for Oilfield Exception**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of regulatory guidance; response to public comments.

**SUMMARY:** FMCSA responds to the public comments to its June 5, 2012, notice of regulatory guidance concerning the hours-of-service requirements for oilfield operations, and the Agency announces its decision to retain the 2012 guidance. On June 5, 2012, FMCSA updated its April 4, 1997, regulatory guidance to explain the applicability of the "Oilfield operations" exceptions in 49 CFR 395.1(d) to the "Hours of Service [HOS] of Drivers" regulations, and requested

comments on the additional language. FMCSA also held three "listening sessions" in Pennsylvania, Colorado, and Texas to accept public comments for the docket. Following a review of all comments, the Agency has determined that no further elaboration on the regulatory guidance is needed, at this time, and the Agency will continue to monitor the use of the two HOS oilfield exceptions in 49 CFR 395.1(d). The Agency also calls attention to 49 CFR part 381, which provides procedures for persons to apply for individual or class exemptions from certain regulations provided the exemption would achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved absent the exemption. Therefore, motor carriers that believe the current oilfield operations exceptions do not provide sufficient relief for their operations should consider submitting an application for an exemption to the Agency describing an alternative that would ensure the requisite level of safety.

**DATES:** This regulatory guidance was effective June 5, 2012, as announced in the **Federal Register** on June 5, 2012 (77 FR 33098).

**ADDRESSES:** For access to the docket to read background documents or comments received, go to [www.regulations.gov](http://www.regulations.gov) at any time or to the ground floor, room W12-140, USDOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, phone (202) 366-4325, email [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

**SUPPLEMENTARY INFORMATION:****Legal Basis**

The Motor Carrier Act of 1935 provides that "The Secretary of Transportation may prescribe requirements for (1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and (2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation" [49 U.S.C. 31502(b)].

The Motor Carrier Safety Act of 1984 (MCSA) confers on the Secretary the authority to regulate drivers, motor carriers, and vehicle equipment. It requires the Secretary to prescribe safety standards for commercial motor vehicles (CMVs). At a minimum, the regulations must ensure that (1) CMVs are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of CMVs do not impair their ability to operate the vehicles safely; (3) the physical condition of operators of CMVs is adequate to enable them to operate the vehicles safely and the periodic physical examinations required of such operators are performed by medical examiners who have received training in physical and medical examination