

Regulatory Process

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

Under 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing these rules and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rules in today's Federal Register. These rules are not major rules as defined by section 804(2) of the APA as amended.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over population of less than 50,000.

SIP approvals under sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve

requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 23, 1996.

Felicia Marcus,
Regional Administrator.

Subpart F of 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. 7401-7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(195)(i)(B)(2), (C)(202)(i)(C)(5), (C)(221)(i)(A)(3), (C)(230)(i)(A)(2) and (C)(230)(i)(C) to read as follows:

§ 52.220 Identification of plan.

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- (c) * * *
- (195) * * *
- (i) * * *
- (B) * * *

(2) Rule 59, adopted on October 12, 1993.

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(202) * * *

(i) * * *

(C) * * *

(5) Rule 69.4, adopted on September 27, 1994.

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(221) * * *

(i) * * *

(A) * * *

(3) Rule 425.2, adopted on April 6, 1995.

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(230) * * *

(i) * * *

(A) * * *

(2) Rule 74.23, adopted on October 10, 1995.

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(C) Kern County Air Pollution Control District.

(I) Rule 427, adopted on January 25, 1996.

[FR Doc. 97-1078 Filed 1-21-97; 8:45 am]

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**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Part 65**

[Docket No. FEMA-7204]

**Changes in Flood Elevation
Determinations**

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

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 Executive Associate Director, Mitigation Directorate, reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations 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 following table.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon 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 base flood elevations 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 elevations, 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.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Executive Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

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	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alaska	Kenai Peninsula Borough.	October 17, 1996, October 24, 1996, <i>Peninsula Clarion</i> .	The Honorable Don Gilman, Mayor, Kenai Peninsula Borough, 144 North Binkley, Soldotna, Alaska 99669-7599.	September 24, 1996 ...	020012
Arkansas: Benton	Unincorporated Areas	October 31, 1996, November 7, 1996, <i>Benton County Daily Record</i> .	The Honorable Bruce Rutherford, Benton County Judge, 215 East Central, Suite #9, Bentonville, Arkansas 72712.	October 15, 1996	050419
Arkansas: Lonoke	City of Cabot	December 4, 1996, December 11, 1996, <i>Cabot Star Herald</i> .	The Honorable Joe L. Allman, Mayor, City of Cabot, P.O. Box 1113, Cabot, Arkansas 72023.	November 12, 1996	050309
Arkansas: Lonoke	Unincorporated Areas	December 4, 1996, December 11, 1996, <i>Cabot Star Herald</i> .	The Honorable Don R. Bevis, County Judge, Lonoke County, 301 North Center, Suite 201, Lonoke, Arkansas 72086.	November 12, 1996	050448

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Coconino	City of Flagstaff	October 25, 1996, November 1, 1996, <i>The Arizona Daily Sun</i> .	The Honorable Christopher J. Bavasi, Mayor, City of Flagstaff, 211 West Aspen Avenue, Flagstaff, Arizona 86001.	October 8, 1996	040020
Arizona: Maricopa	City of Glendale	November 22, 1996, November 29, 1996, <i>Arizona Republic</i> .	The Honorable Elaine Scruggs, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, Arizona 85301.	October 24, 1996	040045
Arizona: Maricopa	Unincorporated Areas	November 22, 1996, November 29, 1996, <i>Arizona Republic</i> .	The Honorable Tom Rawles, Chairperson, Maricopa County Board of Supervisors, 301 West Jefferson, Phoenix, Arizona 85003.	October 24, 1996	040037
Arizona: Santa Cruz	City of Nogales	October 18, 1996, October 25, 1996, <i>Nogales International</i> .	The Honorable Louie Valdez, Mayor, City of Nogales, 777 North Grand Avenue, Nogales, Arizona 85621.	September 11, 1996 ...	040091
Arizona: Maricopa	City of Peoria	November 22, 1996, November 29, 1996, <i>Arizona Republic</i> .	The Honorable Ken C. Forgia, Mayor, City of Peoria, 8401 West Monroe, Phoenix, Arizona 85345.	October 24, 1996	040050
California: Riverside	City of Moreno Valley	November 7, 1996, November 14, 1996, <i>The Valley Times</i> .	The Honorable Denise Lanning, Mayor, City of Moreno Valley, P.O. Box 88005, Moreno Valley, California 92552-0805.	October 18, 1996	065074
Kansas: Johnson	City of Shawnee	October 14, 1996, October 21, 1996, <i>The Olathe Daily News</i> .	The Honorable Jim Allen, Mayor, City of Shawnee, City Hall, 11110 Johnson Drive, Shawnee, Kansas 66203-2799.	September 27, 1996 ...	200177
Missouri: St. Louis	Unincorporated Areas	November 1, 1996, November 8, 1996, <i>St. Louis-Post Dispatch</i> .	The Honorable Buzz Westfall, St. Louis County Executive, 41 South Central, Clayton, Missouri 63105.	October 11, 1996	290327
Nevada: Clark	Unincorporated Areas	October 24, 1996, October 31, 1996, <i>Las Vegas Review-Journal</i> .	The Honorable Yvonne Atkinson Gates, Chairperson, Clark County Board of Commissioners, 225 Bridger Avenue, Sixth Floor, Las Vegas, Nevada 89155.	September 27, 1996 ...	320003
Nevada: Clark	Unincorporated Areas	November 15, 1996, November 25, 1996, <i>Las Vegas Review-Journal</i> .	The Honorable Yvonne Atkinson Gates, Chairperson, Clark County Board of Commissioners, 225 Bridger Avenue, Sixth Floor, Las Vegas, Nevada 89155.	October 31, 1996	320003
Nevada: Clark	City of Mesquite	October 24, 1996, October 31, 1996, <i>Las Vegas Review-Journal</i> .	The Honorable Kenneth Carter, Mayor, City of Mesquite, P.O. Box 69, Mesquite, Nevada 89024.	September 27, 1996 ...	320035

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
New Mexico: Bernalillo	City of Albuquerque	October 10, 1996, October 17, 1996, <i>Albuquerque Journal</i> .	The Honorable Martin J. Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	September 23, 1996 ...	350002
Oklahoma: Payne	City of Stillwater	October 17, 1996, October 24, 1996, <i>Stillwater Newspress</i> .	The Honorable Terry Miller, Mayor, City of Stillwater, P.O. Box 1449, Stillwater, Oklahoma 74076.	September 27, 1996 ...	405380
Texas: Tarrant	City of Arlington	October 25, 1996, November 1, 1996, <i>Fort Worth Star Telegram</i> .	The Honorable Richard Greene, Mayor, City of Arlington, P.O. Box 231, Arlington, Texas 76004-0231.	October 8, 1996	485454
Texas: Tarrant	City of Arlington	November 15, 1996, November 22, 1996, <i>Fort Worth Star Telegram</i> .	The Honorable Richard Greene, Mayor, City of Arlington, P.O. Box 231, Arlington, Texas 76004-0231.	October 30, 1996	485454
Texas: Tarrant	City of Fort Worth	November 15, 1996, November 22, 1996, <i>Fort Worth Star Telegram</i> .	The Honorable Kenneth Barr, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102-6311.	October 30, 1996	480596
Texas: Harris	City of Houston	November 18, 1996, November 25, 1996, <i>Houston Chronicle</i> .	The Honorable Robert Lanier, Mayor, City of Houston, P.O. Box 1562, Houston, Texas 77251.	November 7, 1996	480296
Texas: Gregg and Harrison.	City of Longview	November 27, 1996, December 4, 1996, <i>Longview News Journal</i> .	The Honorable I.J. Patterson, Jr., Mayor, City of Longview, P.O. Box 1952, Longview, Texas 75606.	November 13, 1996	480264
Texas: Dallas	City of Mesquite	November 14, 1996, November 21, 1996, <i>The Mesquite News</i> .	The Honorable Cathye Ray, Mayor, City of Mesquite, P.O. Box 850137, Mesquite, Texas 75185-0137.	November 1, 1996	485490
Texas: Midland	City of Midland	November 15, 1996, November 22, 1996, <i>Midland Reporter-Telegram</i> .	The Honorable Robert E. Burns, Mayor, City of Midland, P.O. Box 1152, Midland, Texas 79702-1152.	October 30, 1996	480477

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

Dated: January 14, 1997.

Richard W. Krimm,
Executive Associate Director, Mitigation Directorate.

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44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized

for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations 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 following table.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation

Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of the final determinations of modified base flood elevations 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 Executive Associate Director has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation