

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), 42 U.S.C. 7607(b)(2).)

#### Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

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

Dated: May 24, 1996.

Jane S. Moore,

Acting Regional Administrator.

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 WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(61) to read as follows:

##### § 52.2470 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(61) SIP revisions received from WDOE on August 21, 1995, requiring vehicle owners to comply with its I/M program in the two Washington ozone nonattainment areas classified as "marginal" and in the three carbon monoxide nonattainment areas classified as "moderate". This revision applies to the Washington counties of Clark, King, Pierce, Snohomish, and Spokane.

(i) Incorporation by reference.

(A) July 26, 1995 letter from Director of WDOE to the Regional Administrator of EPA submitting revisions to WDOE's SIP consisting of the July 1995 *Washington State Implementation Plan for the Motor Vehicle Inspection and Maintenance Program* (including Appendices A through F), adopted August 1, 1995, and a supplement letter and "Tools and Resources" table dated May 10, 1996.

[FR Doc. 96–18199 Filed 7–22–96; 8:45 am]

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#### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### 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) (FIRMs) 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:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street S.W., Washington, DC 20472, (202) 646–2756.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below 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 Acting 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 determinations are available for inspection.

The modifications are made pursuant to section 206 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.

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.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

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 Acting 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 National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

#### 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 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.
Georgia: Chatham (FEMA Docket Areas No. 7173).	Unincorporated Areas	December 27, 1995, January 3, 1996, <i>Savannah News-Press</i> .	Mr. Joseph Mahany, Chairman of the Chatham County Board of Commissioners, 124 Bull Street, P.O. Box 8161, Savannah, Georgia 31412.	April 3, 1996 .....	130030C
Illinois: Cook (FEMA Docket No. 7150).	City of Country Club Hills.	July 27, 1995, August 3, 1995, <i>The Daily Southtown</i> and <i>The Star</i> .	The Honorable Dwight W. Welch, Mayor of the City of Country Club Hills, 3700 West 175th Place, Country Club Hills, Illinois 60478.	July 20, 1995 .....	170078 C
DeKalb (FEMA Docket No. 7173).	City of DeKalb .....	December 8, 1995, December 15, 1995, <i>Daily Chronicle</i> .	The Honorable Greg Sparrow, Mayor of the City of DeKalb, 200 South 4th Street, DeKalb, Illinois 60115.	December 4, 1995 .....	170182 B
DuPage County (FEMA Docket No. 7137).	Unincorporated Areas	March 20, 1995, March 27, 1995, <i>Chicago Tribune</i> .	Mr. Gayle M. Franzen, DuPage County Board Chairman, 421 North County Farm Road, Wheaton, Illinois 60187.	March 15, 1995 .....	170197 B
New Jersey: Hunterdon (FEMA Docket No. 7173).	Township of Delaware	December 28, 1995, January 4, 1996, <i>Hunterdon County Democrat</i> .	The Honorable Robert Reed, Mayor of the Township of Delaware, Township Hall, Sergeantville, New Jersey 08557.	April 4, 1996 .....	340506 B
Ohio: Lorain (FEMA Docket No. 7173).	City of Avon .....	December 28, 1995, January 4, 1996, <i>The Morning Journal</i> .	The Honorable James A. Smith, Mayor of the City of Avon, 36774 Detroit Road, Avon, Ohio 44011.	December 15, 1995 ....	390348 C
Wisconsin: La Crosse (FEMA Docket No. 7173).	Unincorporated Areas	January 4, 1996, January 11, 1996, <i>La Crosse Tribune</i> .	Mr. James A. Ehrsam, La Crosse County Board Chairman, 400 North Fourth Street, La Crosse, Wisconsin 54601.	December 28, 1995 ....	550217 A

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

Dated: July 10, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

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## **44 CFR Part 65**

[Docket No. FEMA-7186]

### **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.