

III. Statutory Authority

The Statutory authority for the action proposed today is granted to EPA by sections 211 (c) and (k) and 301 of the Clean Air Act, as amended; 42 U.S.C. 7545 (c) and (k) and 7601.

IV. Environmental Impact

The federal RFG program provides reductions in ozone-forming VOC emissions, oxides of nitrogen (NO_x), and air toxics. Reductions in VOCs are environmentally significant because of the associated reductions in ozone formation and in secondary formation of particulate matter, with the associated improvements in human health and welfare. Exposure to ground-level ozone (or smog) can cause respiratory problems, chest pain, and coughing and may worsen bronchitis, emphysema, and asthma. Animal studies suggest that long-term exposure (months to years) to ozone can damage lung tissue and may lead to chronic respiratory illness. Reductions in emissions of toxic air pollutants are environmentally important because they carry significant benefits for human health and welfare primarily by reducing the number of cancer cases each year.

The Arizona Governor's Task Force estimated that if federal RFG were required to be sold in Phoenix, VOC emissions would be cut by more than nine tons/day. In addition, all vehicles would have improved emissions and the area would also get reductions in toxic emissions. Today's action means that the Governor of Arizona's request to include the Phoenix ozone nonattainment area in the federal RFG program will not be effective beginning June 1, 1997. Thus, the Phoenix nonattainment area will forego the air quality benefits that would have resulted from a June 1, 1997 implementation date of the RFG program.

V. Regulatory Flexibility

In the direct final rule, EPA explained why it had determined that it was not necessary to prepare a regulatory flexibility analysis in connection with that action. EPA also determined that the direct final rule would not have a significant economic impact on a substantial number of small entities. Today's action withdraws the direct final rule, an action that would have revised federal regulations. Thus, it was not necessary to prepare a regulatory flexibility analysis. Likewise, the withdrawal will not have a significant economic impact on a substantial number of small entities, because it does

not alter any currently existing federal requirements.

VI. Executive Order 12866

Under Executive Order 12866,² the Agency must determine whether a regulation is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments of communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.³

It has been determined that this action is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

VII. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("UMRA"), Pub. L. 104-4, EPA must prepare a budgetary impact statement to accompany any general notice of proposed rulemaking or final rule that includes a Federal mandate which may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year. Under Section 205, for any rule subject to Section 202 EPA generally must select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Under Section 203, before establishing any regulatory requirements that may significantly or uniquely affect small governments, EPA must take steps to inform and advise small governments of the requirements and enable them to provide input.

EPA has determined that today's action does not trigger the requirements of UMRA. The action does not include a Federal mandate that may result in

estimated annual costs to State, local or tribal governments in the aggregate, or to the private sector, of \$100 million or more, and it does not establish regulatory requirements that may significantly or uniquely affect small governments.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, and Motor vehicle pollution.

Dated: March 31, 1997.

Carol M. Browner,

Administrator.

40 CFR part 80 is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Secs. 114, 211, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7414, 7545 and 7601(a)).

§ 80.70 [Amended]

2. In § 80.70, paragraph (m) is removed.

[FR Doc. 97-8670 Filed 4-3-97; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7662]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date,

² See 58 FR 51735 (October 4, 1993).

³ *Id.* at section 3(f)(1)-(4).

contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the

table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Executive Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Executive Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management

measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

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.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 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.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region II				
New York:				
Baxter Estates, village of, Nassau County	360459	July 15, 1975, Emerg; May 16, 1983, Reg; Apr. 2, 1997, Susp.	Apr. 2, 1997	Apr. 2, 1997.
Bayville, village of, Nassau County	360988	Oct. 25, 1974, Emerg; Sept. 15, 1983, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Cedarhurst, village of, Nassau County	360460	Aug. 14, 1974, Emerg; Sept. 1, 1983, Reg; Apr. 2, 1997, Susp.	.....do	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Centre Island, village of, Nassau County	360461	Aug. 19, 1975, Emerg; Oct. 18, 1983, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Cove Neck, village of, Nassau County	360462	June 11, 1975, Emerg; July 18, 1983, Reg; Apr. 2, 1997, Susp.	.....do	Do.
East Rockaway, village of, Nassau County.	360463	Feb. 16, 1973, Emerg; Dec. 1, 1978, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Freeport, village of, Nassau County	360464	Nov. 26, 1971, Emerg; Feb. 14, 1976, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Glen Cove, city of, Nassau County	360465	Aug. 16, 1974, Emerg; March 1, 1978, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Great Neck, village of, Nassau County	361519	Dec. 18, 1974, Emerg; Nov. 17, 1982, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Great Neck Estates, village of, Nassau County.	360466	May 20, 1975, Emerg; June 15, 1983, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Hempstead, town of, Nassau County	360467	Sept. 10, 1971, Emerg; Apr. 16, 1979, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Hewlett Bay Park, village of, Nassau County.	360468	Nov. 25, 1974, Emerg; Jan. 19, 1983, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Hewlett Harbor, village of, Nassau County.	360469	Nov. 2, 1973, Emerg; June 15, 1979, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Hewlett Neck, village of, Nassau County	360470	Dec. 10, 1974, Emerg; Jan. 19, 1983, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Island Park, village of, Nassau County	360471	Nov. 26, 1971, Emerg; Feb. 14, 1976, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Kensington, village of, Nassau County	360472	July 15, 1975, Emerg; Jan. 19, 1983, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Kings Point, village of, Nassau County	360473	Nov. 13, 1974, Emerg; July 5, 1983, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Lattingtown, village of, Nassau County	360474	Nov. 20, 1974, Emerg.; Sept. 1, 1978, Reg.; Apr. 2, 1997, Susp.	.....do	Do.
Laurel Hollow, village of, Nassau County	360475	May 8, 1975, Emerg.; Jan. 6, 1983, Reg.; Apr. 2, 1997, Susp.	.....do	Do.
Lawrence, village of, Nassau County	360476	June 27, 1975, Emerg.; May 16, 1983, Reg.; Apr. 2, 1997, Susp.	.....do	Do.
Long Beach, city of, Nassau County	365338	Mar. 5, 1971, Emerg.; June 30, 1972, Reg.; Apr. 2, 1997, Susp.	.....do	Do.
Manorhaven, village of, Nassau County ..	360479	Dec. 26, 1974, Emerg.; June 1, 1983, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Mill Neck, village of, Nassau County	360481	June 19, 1975, Emerg.; Oct. 18, 1983, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
North Hempstead, village of, Nassau County.	360482	Dec. 17, 1971 Emerg.; Apr. 15, 1977, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Oyster Bay, village of, Nassau County	360483	Sept. 5, 1973, Emerg.; Aug. 1, 1978, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Oyster Bay Cove, village of, Nassau County.	361486	May 13, 1975, Emerg.; Sept. 30, 1983, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Plandome Manor, village of, Nassau County.	360486	July 7, 1975, Emerg.; June 15, 1983, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Port Washington North, village of, Nassau County.	361562	Dec. 4, 1974, Emerg.; July 5, 1983, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Rockville Centre, village of, Nassau County.	360488	May 31, 1974, Emerg.; Nov. 17, 1982, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Roslyn, village of, Nassau County	360489	July 5, 1974, Emerg.; Jan. 5, 1984, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Roslyn Harbor, village of, Nassau County	361035	June 23, 1976, Emerg.; Dec. 15, 1983, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Russell Gardens, village of, Nassau County.	361583	Apr. 22, 1976, Emerg.; Nov. 17, 1982, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Saddle Rock, village of, Nassau County ..	360491	July 17, 1975, Emerg.; Oct. 18, 1983, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Sands Point, village of, Nassau County ...	360492	Dec. 18, 1974, Emerg.; June 15, 1983, Reg.; Apr. 2, 1997, Susp..	.....do	Do.
Sea Cliff, village of, Nassau County	360493	Sept. 17, 1973, Emerg; Feb. 1, 1978, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Valley Stream, village of, Nassau County	360495	July 22, 1975, Emerg; Jan. 5, 1984, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Woodsburgh, village of, Nassau County ..	360496	Jan. 14, 1975, Emerg; June 1, 1983, Reg; Apr. 2, 1997, Susp.	.....do	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region VI				
Texas:				
Aubrey, town of, Denton County	480776	Aug. 7, 1996, Emerg; Apr. 2, 1997, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Copper Canyon, town of, Denton County	481508	July 8, 1985, Emerg; Sept. 18, 1987, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Corinth, town of, Denton County	481143	Mar. 5, 1975, Emerg; May 15, 1979, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Cross Roads, town of, Denton County	481513	Jan. 6, 1988, Reg; Apr. 2, 1997, Susp .....	.....do	Do.
Denton, city of, Denton County	480194	Feb. 18, 1972, Emerg; Aug. 1, 1979, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Denton County, unincorporated areas	480774	July 22, 1975, Emerg; May 4, 1987, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Double Oak, town of, Denton County	481516	May 28, 1982, Emerg; Mar. 4, 1987, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Flower Mound, town of, Denton County ...	480777	July 31, 1975, Emerg; Sept. 18, 1986, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Hickory Creek, town of, Denton County ...	481150	July 3, 1990, Emerg; Mar. 1, 1991, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Highland Village, city of, Denton County ..	481105	June 16, 1978, Emerg; July 16, 1987, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Lake Dallas, city of, Denton County	480780	Apr. 7, 1976, Emerg; Aug. 5, 1986, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Lewisville, city of, Denton County	480195	Jan. 20, 1975, Emerg; Oct. 18, 1988, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Little Elm, town of, Denton County	481152	May 13, 1991, Reg; Apr. 2, 1997, Susp .....	.....do	Do.
Northlake, town of, Denton County	480782	Apr. 16, 1990, Emerg; Sept. 30, 1994, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Roanoke, city of, Denton County	480785	Mar. 14, 1991, Emerg; Apr. 2, 1997, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Shady Shores, town of, Denton County ...	481135	Apr. 16, 1979, Emerg; May 11, 1982, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Trophy Club, town of, Denton County	481606	June 12, 1987, Reg; Apr. 2, 1997, Susp .....	.....do	Do.
Region VIII				
Colorado: Westminster, city of, Jefferson and Adams Counties.	080008	July 13, 1973, Emerg; Sept. 30, 1988, Reg; Apr. 2, 1997, Susp.	.....do	Do.
Region II				
New York: Weedsport, village of, Cayuga County.	360132	June 7, 1974, Emerg; Apr. 1, 1982, Reg; Apr. 16, 1997, Susp.	Apr. 16, 1997 ...	Apr. 16, 1997.
Region V				
Illinois:				
Seneca, village of, Lasalle and Grundy Counties.	170407	May 9, 1975, Emerg; Feb. 1, 1985, Reg; Apr. 16, 1997, Susp.	.....do	Do.
Sun River Terrace, village of, Kankakee County.	171015	Oct. 26, 1984, Emerg; June 19, 1985, Reg; Apr. 16, 1997, Susp.	.....do	Do.

Code for reading third column: Emerg.;—Emergency; Reg.;—Regular; Rein.—Reinstatement; Susp.—Suspension.

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

Issued: March 26, 1997.

Richard W. Krimm,

Executive Associate Director, Mitigation Directorate.

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44 CFR Part 65

[Docket No. FEMA-7213]

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) (FIRMs) 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 reconsider the changes. The modified elevations may be changed during the 90-day period.