

that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.” Under section 5(b) of Executive Order 13175, EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments, or EPA consults with tribal officials early in the process of developing the proposed regulation. Under section 5(c) of Executive Order 13175, EPA may not issue a regulation that has tribal implications and that preempts tribal law, unless the Agency consults with tribal officials early in the process of developing the regulation. EPA has concluded that this rule may have tribal implications. EPA’s action fulfills a requirement to publish a notice announcing partial delegation of administrative authority to the CTUIR and noting the partial delegation in the CFR. However, it will neither impose substantial direct compliance costs on tribal governments, nor preempt tribal law. Thus, the requirements of sections 5(b) and 5(c) of the Executive Order do not apply to this rule.

This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This technical amendment merely notes that partial delegation of administrative authority to the CTUIR is in effect. This rule also is not subject to Executive Order 13045, “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because it is not economically significant.

This action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency

promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 18, 2006. Filing a petition for 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).)

#### List of Subjects in 40 CFR Part 49

Administrative practice and procedure, Air pollution control, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: September 28, 2006.

**Ronald A. Kreizenbeck,**  
*Acting Regional Administrator, Region 10.*

■ Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 49—[AMENDED]

■ 1. The authority citation for Part 49 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart M—[Amended]

■ 2. Section 49.11020 is amended by adding a note to the end of the section to read as follows:

**§ 49.11020 Federally-promulgated regulations and Federal implementation plans.**

\* \* \* \* \*

**Note to § 49.11020:** EPA entered into a Partial Delegation of Administrative Authority Agreement with the Confederated Tribes of the Umatilla Indian Reservation on August 21, 2006 for the rules listed in

paragraphs (a), (g), (h), (i), (j) and (l) of this section.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 50

[EPA–HQ–OAR–2006–0834; FRL–8230–9]

### Regulatory Impact Analysis for the Review of the Particulate Matter National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability of documents.

**SUMMARY:** On October 6, 2006, EPA released the Regulatory Impact Analysis (RIA) for the revised particulate matter national ambient air quality standards. This RIA provides EPA’s estimates of the range of the monetized human health benefits, control costs, and net benefits associated with meeting the revised suite of standards for fine particles (PM<sub>2.5</sub>) that are published elsewhere in this issue of the **Federal Register**, as well as for meeting a more stringent alternative. The final rule established a 24-hour standard of 35 g/m<sup>3</sup> and retained the annual standard of 15 g/m<sup>3</sup>. The EPA also promulgated a final decision to retain the current 24-hour PM<sub>10</sub> standards and to revoke the current annual PM<sub>10</sub> standards, in order to maintain protection against the health and welfare effects of thoracic coarse particles (PM<sub>10–2.5</sub>). Data and modeling limitations preclude EPA from assessing the costs and benefits of retaining the existing PM<sub>10</sub> 24-hour standard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ron Evans, Mail Code C439–02, Health and Environmental Impacts Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone: (919) 541–5488, e-mail: [evans.ron@epa.gov](mailto:evans.ron@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### A. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2006–0834. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air and Radiation Docket and

Information Center in the EPA Docket Center (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.

2. **Electronic Access.** You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>. The EPA also has posted the RIA on its Web site for particle pollution and the revised PM standards at <http://www.epa.gov/pm>. **Note:** The EPA Docket Center suffered damage due to flooding during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation for people who wish to visit the Public Reading Room to view documents. Consult EPA's **Federal Register** notice at 71 FR 38147 (July 5, 2006) or the EPA Web site at <http://www.epa.gov/epahome/dockets.htm> for current information on docket status, locations and telephone numbers.

In setting primary ambient air quality standards, EPA's responsibility under the law is to establish standards that protect public health. The Clean Air Act (CAA) requires EPA, for each criteria pollutant, to set a standard that protects public health with "an adequate margin of safety." As interpreted by the Agency and the courts, the CAA requires EPA to base this decision on health considerations; economic factors cannot be considered.

Although EPA cannot consider costs in setting the primary air quality standards, consideration of costs and benefits is essential to the efficient implementation of these standards. The impacts of cost, benefits, and efficiency are considered by the States when making decisions regarding what timelines, strategies, and policies make the most sense.

This PM<sub>2.5</sub> NAAQS RIA is focused on development and analyses of illustrative control strategies to meet alternative suites of standards in 2020, the latest year by which the CAA generally requires full attainment of the new standards. Because the States are ultimately responsible for implementing strategies to meet the revised standards, the RIA provides insights and analysis of a limited number of illustrative control strategies that States might

adopt to meet the revised standards. These strategies are subject to a number of important assumptions, uncertainties and limitations, which EPA documents in the relevant portions of the analysis.

The EPA presents this analysis pursuant to Executive Order 12866 and the guidelines of OMB Circular A-4.<sup>1</sup> These documents present guidelines for EPA to assess the incremental benefits and costs of the selected regulatory approach as well as one less stringent, and one more stringent, option. In this RIA, the 1997 standards represent the less stringent option, and the alternative suite of standards including a tighter annual standard of 14 g/m<sup>3</sup> together with the revised 24-hour standard of 35 g/m<sup>3</sup> represents the more stringent option.

Dated: October 5, 2006.

**Jeffrey S. Clarke,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. E6-17011 Filed 10-16-06; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 65

[Docket No. FEMA-B-7467]

#### Changes in Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA), Department of Homeland Security, Mitigation Division.

**ACTION:** Interim rule.

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

**DATES:** These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps in effect prior to this determination for the listed communities.

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 Mitigation Division Director reconsider the changes. The modified BFEs may be changed during the 90-day period.

**ADDRESSES:** The modified 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:** William R. Blanton, Jr., Engineering Management Section, Mitigation Division, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

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

Any request for reconsideration must be based on knowledge of changed conditions or 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 BFEs 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 BFEs, 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 the other Federal, State, or regional entities.

The changed BFEs 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 Mitigation Division Director for the FEMA certifies that this rule is exempt

<sup>1</sup> For a copy of these requirements, see: <http://www.whitehouse.gov/OMB/inforeg/eo12866.pdf> and <http://www.whitehouse.gov/omb/circulars/a004/a-4.html>.