

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[WA43-7116b; FRL-5514-5]

**Approval and Promulgation of Air Quality Implementation Plans; Washington; Revision to the State Implementation Plan Vehicle Inspection and Maintenance Programs****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Washington for the purpose of approving the Inspection and Maintenance (I/M) State Implementation Plan (SIP), for Washington State. On August 21, 1995, Washington submitted SIP revision requests to the EPA to satisfy the requirements of sections 182(b)(4) and 182(c)(3) of the Clean Air Act, as amended, and Federal I/M rule 40 CFR part 51, subpart S. These SIP revisions will require vehicle owners to comply with the Washington 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. In the Final Rules Section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

**DATES:** Comments on this proposed rule must be received in writing by August 22, 1996.

**ADDRESSES:** Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (OAQ-107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public

inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101. The Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

**FOR FURTHER INFORMATION CONTACT:**

Stephanie Cooper, EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553-6917.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: May 24, 1996.

Jane S. Moore,

*Acting Regional Administrator.*

[FR Doc. 96-18200 Filed 7-22-96; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 67**

[Docket No. FEMA-7187]

**Proposed Flood Elevation Determinations; Illinois et al.****AGENCY:** Federal Emergency Management Agency, FEMA.**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the 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 comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed 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 SW., Washington, DC 20472, (202) 646-2756.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood 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 proposed 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.

*National Environmental Policy Act.*

This proposed 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 proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

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

*Executive Order 12778, Civil Justice Reform.* This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

## List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be 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.

**§ 67.4 [Amended]**

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Illinois .....	Kankakee County (Unincorporated Areas).	Kankakee River .....	Approximately 0.5 mile upstream of confluence of Iroquois River.	*613	*608
			Approximately 0.4 mile upstream of confluence with Kankakee River along Spring Creek.	*613	*608

Maps available for inspection at the Kankakee County Administration Building, 189 East Court Street, Kankakee, Illinois.

Send comments to Mr. Russell Thompson, Chairman of the Kankakee County Board, Kankakee County Administration Building, 189 East Court Street, Kankakee, Illinois 60901.

Illinois .....	Sun River Terrace (Village) Kankakee County.	Kankakee River .....	At downstream corporate limits .....	*617	*611
			At upstream corporate limits .....	*617	*611

Maps available for inspection at the Sun River Terrace Village Hall, 7267 East Chicago Street, St. Anne, Illinois.

Send comments to The Honorable Casey Wade, Jr., Mayor of the Village of Sun River Terrace, 7267 East Chicago Street, St. Anne, Illinois 60964.

Illinois .....	Wood Dale (City) DuPage County.	Salt Creek .....	Just upstream of Thorndale Avenue .....	None	*281
			Approximately 0.8 mile upstream of Thorndale Avenue.	None	*283

Maps available for inspection at the Building Department, Wood Dale City Hall, 404 North Wood Dale Road, Wood Dale, Illinois.

Send comments to The Honorable David L. VanGeest, Mayor of the City of Wood Dale, 404 North Wood Dale Road, Wood Dale, Illinois 60191.

Michigan .....	Buena Vista (Township) Saginaw County.	Saginaw River Flood Storage Area.	Area east of Interstate 75 and north of East Washington Road.	*586	*587
			At downstream corporate limits .....	*588	*589
			Approximately 0.75 mile downstream of upstream corporate limits.	*588	*589

Maps available for inspection at the Township Clerk's Office, 1160 South Outer Drive, Saginaw, Michigan.

Send comments to Ms. Frances Hayes, Supervisor of the Charter Township of Buena Vista, 1160 South Outer Drive, Saginaw, Michigan 48601.

Michigan .....	Carrollton (Township) Saginaw County.	Saginaw River .....	Immediate area south of Tittabawassee Street and west of Venoy Road.	*587	*589
			Area west of CONRAIL and south of Schust Road.	*588	*589

Maps available for inspection at the Carrollton Township Building, 1645 Mapleridge, Saginaw, Michigan.

Send comments to Mr. Christopher Picard, Carrollton Township Supervisor, 1645 Mapleridge, Saginaw, Michigan 48604.

Michigan .....	Frankenmuth (Township) Saginaw County.	Cass River .....	Approximately 0.6 mile downstream of South Main Street.	None	*612
			Approximately 0.5 mile downstream of South Main Street.	None	*612

Maps available for inspection at the Frankenmuth Township Building, 218 West Genessee Street, Frankenmuth, Michigan.

Send comments to Mr. Martin Warnick, Supervisor of Frankenmuth Township, 218 West Genessee Street, Frankenmuth, Michigan 48734.

Michigan .....	James (Township) Saginaw County.	Tittabawassee River .....	Area north of CONRAIL and east of Van Wormer Road.	*596	*594
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State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the James Township Hall, 2590 Sierra Drive, Saginaw, Michigan.

Send comments to Mr. Gerald M. Wieneke, Supervisor of James Township, 2255 Wiegler Road, Saginaw, Michigan 48603.

Michigan .....	Kochville (Township) Saginaw County.	Kochville Drain .....	Approximately 0.75 mile downstream of CONRAIL.	*585	*586
			Approximately 400 feet upstream of Kochville Road.	*585	*586
		Saginaw River .....	(Area within the township) west of Venoy Road and north of Tittabawassee Street.	*585	*586
		Saginaw Bay .....	Saginaw River west of Venoy Road and north of Tittabawassee Street.	*585	*586

Maps available for inspection at the Kochville Township Hall, 5851 Mackinaw Road, Saginaw, Michigan.

Send comments to Mr. Edward Allington, Kochville Township Supervisor, 5851 Mackinaw Road, Saginaw, Michigan 48604.

Michigan .....	Swan Creek (Township) Saginaw County.	Shiawassee Flats .....	Barer and Benkert Roads intersection .....	None	*594
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Maps available for inspection at the Swan Creek Township Offices, 11415 Lakefield Road, St. Charles, Michigan.

Send comments to Mr. Don Rappley, Swan Creek Township Supervisor, 11415 Lakefield Road, St. Charles, Michigan 48655.

Michigan .....	Thomas (Township) Saginaw County.	Shiawassee Flats (Tittabawassee River).	At Ederer Road and North River Road intersection.	*597	*596
		Swan Creek .....	At Ederer Road .....	None	*594
			At Geddes Road .....	*593	*594

Maps available for inspection at the Thomas Township Offices, 249 North Miller Road, Saginaw, Michigan.

Send comments to Mr. Morrison Stevens, Thomas Township Supervisor, 249 North Miller Road, Saginaw, Michigan 48609.

Michigan .....	Zilwaukee (City) Saginaw County.	Saginaw Bay .....	Area west of Grand Trunk Western Railroad and north of Tittabawassee Street.	*585	*586
		Saginaw River .....	Area west of CONRAIL and south of Tittabawassee Street.	*588	*589
			At downstream and upstream sides of Interstate Route 75.	*588	*589

Maps available for inspection at the Zilwaukee City Hall, 319 Tittabawassee Road, Saginaw, Michigan.

Send comments to The Honorable Richard DeLong, Mayor of the City of Zilwaukee, 319 Tittabawassee Road, Saginaw, Michigan 48604.

Michigan .....	Zilwaukee (Township) Saginaw County.	Kochville Drain .....	Approximately 0.4 mile upstream of Interstate Route 75.	*585	*586
			Approximately 400 feet downstream of Kochville Road.	*585	*586
		Saginaw River Flood Storage Area.	Area east of State Route 13 (Veterans Memorial Parkway).	*586	*587
		Saginaw River .....	Approximately 3.3 miles downstream of Interstate Route 75.	*586	*587
			Approximately 1,000 feet upstream of Interstate Route 75.	*588	*589
		Saginaw Bay .....	Areas west of Grand Trunk Western and north of Kochville Road.	*585	*586

Maps available for inspection at the Township Supervisor's Home Office, 7600 Melbourne Road, Saginaw, Michigan.

Send comments to Mr. David F. Bradt, Zilwaukee Township Supervisor, 7600 Melbourne Road, Saginaw, Michigan 48604.

Mississippi .....	Pearl (City) Rankin County.	Conway Slough Tributary 2.	Approximately 0.1 mile upstream of Pearson Road culvert.	None	*271
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State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Neely Creek (Left Channel).	Approximately 0.1 mile upstream of Lionel Road.	None	*284
			Approximately 30 feet downstream of North Biederman Road.	*272	*271
			At downstream side of Old Brandon Road.	*281	*282
		Neely Creek Tributary 2 ...	At downstream side of North Biederman Road.	*272	*271
			Approximately 1.2 miles upstream of Illinois Central Gulf Railroad.	None	*280
		Richland Creek .....	Approximately 1,050 feet upstream of Old Pearson Road.	*283	*284
			Approximately 1.3 miles upstream of confluence of Richland Creek Tributary 1.	*289	*288
		Richland Creek Tributary 1.	At confluence with Richland Creek .....	*286	*285
			Approximately 400 feet downstream of Illinois Central Gulf Railroad.	*288	*287

Maps available for inspection at the Pearl City Hall, Department of Community Development, 2420 Old Brandon Road, Pearl, Mississippi.

Send comments to The Honorable Mitch Childre, Mayor of the City of Pearl, P.O. Box 5948, Pearl, Mississippi 39288-5948.

New York .....	Canandaigua (Town) Ontario County.	Lake Canandaigua .....	Approximately 200 feet east of intersection of Cribb and West Lake Roads.	*693	*692
			Approximately 1,800 feet east of the intersection of Coy and West Lake Roads.	*695	*692
		Mud Creek .....	Approximately 2,000 feet downstream of downstream corporate limits.	None	*683
			Approximately 200 feet upstream of upstream corporate limits.	None	*706

Maps available for inspection at the Town of Canandaigua Planning Department, 5440 Route 5 and 20 West, Canandaigua, New York.

Send comments to Mr. Robert F. Simpson, Sr., Supervisor of the Town of Canandaigua, 5440 Route 5 and 20 West, Canandaigua, New York 14424.

New York .....	Gouverneur (Village) St. Lawrence County.	Oswegatchie River .....	At corporate limits .....	None	*395
			Approximately 0.74 mile upstream of State Route 58.	None	*411

Maps available for inspection at the Village Clerk's Office, Gouverneur Municipal Building, 33 Clinton Street, Gouverneur, New York.

Send comments to The Honorable Dierdre Scozzafasa, Mayor of the Village of Gouverneur, 33 Clinton Street, Gouverneur, New York 13642.

New York .....	Windham (Town) Greene County.	Batavia Kill .....	At downstream corporate limits .....	None	*1466
			At confluence of Mitchell Hollow Tributary	None	*1517

Maps available for inspection at the Windham Town Hall, Route 296, Hensonville, New York.

Send comments to Mr. Patrick Meehan, Windham Town Supervisor, P.O. Box 96, Hensonville, New York 12439.

Pennsylvania .....	London Grove (Township) Chester County.	East Branch White Clay Creek.	Approximately 1,000 feet downstream of Newgarden Station Road.	None	*259
			Approximately 700 feet downstream of confluence of Chatham Run.	None	*270
		Chatham Run .....	Approximately 350 feet downstream of Pomeroy Street.	None	*283
			At State Road 926 .....	None	*504

Maps available for inspection at the at the London Grove Township Building, 550 East Baltimore Pike, Suite 200, West Grove, Pennsylvania.

Send comments to Mr. Lewis C. Ross, Chairman of the Township of London Grove Board of Supervisors, 550 East Baltimore Pike, Suite 200, West Grove, Pennsylvania 19390.

Pennsylvania .....	Westtown (Township) Chester County.	West Fork of East Branch Chester Creek.	At upstream side of Street Road .....	*263	*258
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State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 150 feet downstream of Westbourne Road.	*263	*262

Maps available for inspection at the Westtown Township Office, 1081 Wilmington Pike, West Chester, Pennsylvania.

Send comments to Mr. Kenton S. Stokes, Chairman of the Westtown Township Board of Supervisors, P.O. Box 79, Westtown, Pennsylvania 19395.

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

Dated: July 10, 1996.

Richard W. Krimm,

*Acting Associate Director for Mitigation.*

[FR Doc. 96-18663 Filed 7-22-96; 8:45 am]

BILLING CODE 6718-04-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Parts 383 and 391

[FHWA Docket No. MC-93-23]

RIN 2125-AD20

#### Commercial Driver Physical Qualifications as Part of the Commercial Driver's License Process

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of first meeting of negotiated rulemaking advisory committee.

**SUMMARY:** The FHWA announces the first meeting of an advisory committee (the Committee) established under the Federal Advisory Committee Act and the Negotiated Rulemaking Act to consider the relevant issues and attempt to reach a consensus in developing regulations governing the proposed merger of the State-administered commercial driver's license (CDL) procedures of 49 CFR Part 383 and the driver physical qualifications requirements of 49 CFR Part 391. The Committee is composed of persons who represent the interests that would be substantially affected by the rule.

**DATES:** The first meeting of the advisory committee will begin at 10:00 a.m. on August 7 and 8, 1996.

**ADDRESSES:** The first meeting of the advisory committee will be held in the Nassif Building, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. Subsequent meetings will be held at locations to be announced. The Committee will meet in room 4438 on August 7 and rooms 3200-3204 on August 8.

**FOR FURTHER INFORMATION CONTACT:** Ms. Teresa Doggett, Office of Motor Carrier Research and Standards, (202) 366-4001, or Ms. Grace Reidy, Office of Chief Counsel, (202) 366-0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 29, 1996, the FHWA published a notice of intent to establish an advisory committee for regulatory negotiation to develop regulations governing the proposed merger of the State-administered commercial driver's license procedures of 49 CFR Part 383 and the driver physical qualifications requirements of 49 CFR Part 391 (61 FR 18713). The notice requested comment on membership, the interests affected by the rulemaking, the issues the Committee should address, and the procedures it should follow. The notice also announced the May 14 public meeting that was sponsored by the agency. This organizational meeting was held in order to help identify and select organizations or interests to be represented on the Committee.

The FHWA received 20 comments on the notice of intent. None of the comments opposed using regulatory negotiation for this rulemaking; most endorsed the process and included requests to serve on the Committee and submitted nominations. Based on the responses to the notice of intent and for the reasons the FHWA stated in that notice, the Department of Transportation has determined that establishing an advisory committee on this subject is necessary and in the public interest. In accordance with section 9(c) of the Federal Advisory Committee Act, the Department of Transportation filed the charter for this Committee on July 12, authorizing the Committee to meet and begin negotiations. The Department has also selected the members of the Committee.

#### Negotiated Rulemaking Process

##### Mediator/Facilitator

In the notice of intent, the FHWA stated that it retained the services of a contractor, Mr. Philip J. Harter, to act as a convener and provide advice on the feasibility of using negotiated rulemaking for this rule. The FHWA is pleased to announce that Mr. Harter will be the mediator/facilitator of the Commercial Driver Physical Qualifications Negotiated Rulemaking Advisory Committee.

##### Membership

In addition to a mediator/facilitator, the Committee will consist of the following members:

Federal Highway Administration  
American Association of Motor Vehicle Administrators  
New York (State commercial driver licensing agency)  
Utah (State commercial driver licensing agency)  
Wisconsin (State commercial driver licensing agency)  
Montana (State commercial driver licensing agency)  
Commercial Vehicle Safety Alliance  
International Association of Chiefs of Police  
American Trucking Associations  
National Private Truck Council  
National School Transportation Association  
United Motor Coach Association & American Bus Association (sharing one seat on the Committee)  
Owner Operator Independent Drivers Association  
Independent Truckers and Drivers Association  
Teamsters Union  
Amalgamated Transit Union  
Lancer Insurance  
AI Transport  
American Insurance Association  
National Association of Independent Insurers  
Advocates for Highway and Auto Safety  
Farmland Industries  
American College of Occupational and Environmental Medicine  
Association for Advancement of Automotive Medicine