

Matter to the Ambient Air Beyond the Premises of Origin, and the rescission of rules 10 CSR 10-2.050, Preventing Particulate Matter From Becoming Airborne (Kansas City); 10 CSR 10-3.070 Restriction of Particulate Matter From Becoming Airborne (Outstate); 10 CSR 10-4.050, Preventing Particulate Matter From Becoming Airborne (Springfield); and CSR 10-5.100, Preventing Particulate Matter From Becoming Airborne (St. Louis).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

SIP approvals under section 110 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, the Administrator certifies 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 the 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)).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to

establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the 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 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 23, 1998. 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 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.
Dated: December 15, 1997.

Dennis Grams,
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 *et seq.*

Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(102) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(102) Revised regulations for the control of fugitive particulate matter emissions were submitted by the Missouri Department of Natural Resources (MDNR) on September 25, 1990, and on November 20, 1996.

(i) Incorporation by reference.

(A) Regulation 10 CSR 10-6.170, entitled Restriction of Particulate Matter Beyond the Premises of Origin, effective November 30, 1990, as amended October 30, 1996.

(B) Rescission of regulation 10 CSR 10-2.050, entitled Preventing Particulate Matter From Becoming Airborne, effective September 28, 1990.

(C) Rescission of regulation 10 CSR 10-3.070, entitled Restriction of Particulate Matter From Becoming Airborne, effective September 28, 1990.

(D) Rescission of regulation 10 CSR 10-4.050, entitled Preventing Particulate Matter From Becoming Airborne, effective September 28, 1990.

(E) Rescission of regulation 10 CSR 10-5.100, entitled Preventing Particulate Matter From Becoming Airborne, effective on September 28, 1990.

(ii) Additional material.

(A) Letter from Missouri submitted on February 24, 1997, pertaining to the submission of supplemental documentation.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-7245]

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 Associate Director 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.

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 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 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.
Alabama: Lauderdale.	City of Florence ...	Oct. 8, 1997, Oct. 15, 1997, <i>Times Daily</i> .	The Honorable Eddie Frost, Mayor of the City of Florence, P.O. Box 98, Florence, Alabama 35631.	Jan. 13, 1998 ...	010140 C
Connecticut: Litchfield.	Town of Watertown	Sept. 9, 1997, Sept. 16, 1997, <i>Waterbury Republican-American</i> .	Mr. Charles Frigon, Town of Watertown Interim Manager, Town Hall Annex, 424 Main Street, Watertown, Connecticut 06795.	Dec. 15, 1997 ...	090058 B
Georgia: Gwinnett	Unincorporated Areas.	July 29, 1997, Aug. 5, 1997, <i>Gwinnett Daily Post</i> .	Mr. Wayne Hill Chairman of the Board of Commissioners, Gwinnett County Justice and Administration Center, 75 Langley Drive, Lawrenceville, Georgia 30245-6900.	July 23, 1997	130322 C
Illinois: Cook	Village of Schaumburg.	Sept. 30, 1997, Oct. 7, 1997, <i>Daily Herald</i> .	The Honorable Al Larson, Mayor of the Village of Schaumburg, 101 Schaumburg Court, Schaumburg, Illinois 60193-1899.	Jan. 5, 1998	170158 D
Illinois: DuPage ...	Village of Bensenville.	Aug. 27, 1997, Sept. 3, 1997, <i>Bensenville Press</i> .	Mr. John C. Geils, President of the Village of Bensenville, Bensenville Village Hall, 700 West Irving Park Road, Bensenville, Illinois 60106.	Aug. 19, 1997 ...	170200 C

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Illinois: DuPage ...	Village of Winfield	May 7, 1997, May 14, 1997, <i>Winfield Estates</i> .	Mr. Bryon Vana, Village of Winfield Manager, 27 W. 465 Jewell Road, Winfield, Illinois 60190.	Apr. 29, 1997 ...	170223 B
Illinois: Lake	Unincorporated Areas.	Sept. 11, 1997, Sept. 18, 1997, <i>News-Sun</i> .	Mr. Robert L. Grever, Chairman of the Lake County Board, 18 North County Street, Room 901, Waukegan, Illinois 60085.	Dec. 17, 1997 ...	170357 F
Illinois: Lake	Village of Mundelein.	Sept. 11, 1997, Sept. 18, 1997, <i>Mundelein Review</i> .	The Honorable Marilyn Sindels, Mayor of the Village of Mundelein, Village Hall, 440 East Hawley Street, Mundelein, Illinois 60060.	Dec. 17, 1997 ...	170382 F
Maine: Aroostook	Town of Fort Fairfield.	Aug. 13, 1997, Aug. 20, 1997, <i>Fort Fairfield Review</i> .	Mr. Eugene Conlogue, Fort Fairfield Town Manager, P.O. Box 451, Fort Fairfield, Maine 04742.	Nov. 18, 1997 ...	230018 B
Maryland: Prince George's.	City of Laurel	Aug. 21, 1997, Aug. 28, 1997, <i>Laurel Leader</i> .	The Honorable Frank P. Casula, Mayor of the City of Laurel, 8103 Sandy Spring Road, Laurel, Maryland 20707.	Nov. 26, 1997 ...	240053 D
Maryland: Prince George's Unincorporated Areas.	Aug. 21, 1997, Aug. 28, 1997, <i>The Prince George's Journal</i> .	Mr. Wayne K. Curry, Prince George's County Executive Officer, 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772.	Nov. 26, 1997	245208 C.	
Michigan: Macomb County.	Township of Chesterfield.	Sept. 15, 1997, Sept. 22, 1997, <i>The Chesterfield Review</i> .	Mr. Elbert J. Tharp, Chesterfield Township Supervisor, 47275 Sugarbush, Chesterfield, Michigan 48047.	Dec. 21, 1997 ...	260120 B
Virginia: Independent City.	City of Alexandria	Oct. 23, 1997, Oct. 30, 1997, <i>The Alexandria Journal and The Alexandria Gazette Packet</i> .	The Honorable Kerry J. Donley, Mayor of the City of Alexandria, 301 King Street, Suite 2300, Alexandria, Virginia 22314.	Oct. 10, 1997 ...	515519
Wisconsin: La-Crosse.	City of Onalaska ...	Oct. 9, 1997, Oct. 16, 1997, <i>Onalaska Community Life</i> .	The Honorable Clarence Stellner, Mayor of the City of Onalaska, 415 Main Street, Onalaska, Wisconsin 54650.	Jan. 14, 1998 ...	550221 B

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

Dated: January 13, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

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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: 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 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 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