thereby eliminating unnecessary openings.

Discussion of Comments and Changes

The Coast Guard received seven comments all in favor of the proposal. No changes to the proposed rule have been made.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that commercial vessels are unaffected by this rule and that the regulations will not prevent recreational boaters from transiting the bridge. The rule will only require recreational boaters to adjust their time of arrival for openings on the hour and half-hour. The Coast Guard believes this rule achieves the requirement of balancing the navigational rights of recreational boaters and the needs of land based transportation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.e.(34) of Commandant Instruction M16475.1B, this final rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—[AMENDED]

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.205 is revised to read as follows:

§ 117.205 Connecticut River.

(a) The owners of the AMTRAK Old Saybrook-Old Lyme Bridge, mile 3.4 the Route 82 Bridge, mile 16.8, and the CONRAIL Middletown-Portland Bridge, mile 32.0, shall provide, and keep in good legible condition, clearance gauges with figures not less than twelve (12) inches which designed, installed and maintained according to the provisions of § 118.160 of this chapter.

(b) The draws of the AMTRAK Old Saybrook-Old Lyme Bridge, mile 3.4, and the CONRAIL Middletown-Portland Bridge, mile 32.0, shall be opened as soon as practicable for all non-commercial vessels that cannot pass under the closed draws, but in no case shall the delay be more than 20 minutes from the time the opening was requested.

(c) The draw of the Route 82 Bridge, mile 16.8, at East Haddam, shall open on signal except that, from 15 May to 31 October, between 9 a.m. and 9 p.m., the draw need open for recreational vessels on the hour and half-hour only. The draw shall open on signal for commercial vessels at all times.

Dated: February 12, 1998.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 98–5297 Filed 2–27–98; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[FRL–5971–9]

Withdrawal From Federal Regulations of the Applicability to Alaska's Waters of Arsenic Human Health Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In 1992, EPA promulgated federal regulations establishing water quality criteria for toxic pollutants for several states, including Alaska (40 CFR 131.36). One of the toxic pollutants included in that rule was arsenic. In this final rule, EPA withdraws the applicability to Alaska's waters of the federal human health criteria for arsenic.

DATES: This rule is effective on April 1, 1998.

ADDRESSES: The administrative record for this rule is available for public inspection at EPA Region 10, Office of Water, 1200 Sixth Avenue, Seattle, Washington, 98101, between 8:00 a.m. and 4:30 p.m. Copies of the record are also available for public inspection at EPA's Alaska Operations Offices: 222 West 7th Avenue, Anchorage, AK and 410 Willoughby Avenue, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Fred Leutner at EPA Headquarters, Office of Water (4305), 401 M Street SW, Washington, DC 20460 (telephone: 202–260–1542), or Sally Brough in EPA's Region 10 (telephone: 206–553–1295).

SUPPLEMENTARY INFORMATION:

Potentially Affected Entities

Citizens concerned with water quality in Alaska, and with pollution from arsenic in particular, may be interested in this rulemaking. Since criteria are used in determining NPDES permit limits, entities discharging arsenic to waters of the United States in Alaska could be affected by this rulemaking. Potentially affected entities include:

Category	Examples of affected entities
Industry	Industries discharging arsenic to surface waters in Alaska.
Municipalities	Publicly-owned treatment works discharging arsenic to surface waters in Alaska.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility could be affected by this action, you should carefully examine the applicability criteria in section 131.36 of title 40 of the Code of Federal Regulations. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Background

On December 22, 1992, the Environmental Protection Agency (EPA or Agency) promulgated a rule to establish federal water quality criteria for priority toxic pollutants applicable in 14 states. That rule, which is commonly called the National Toxics Rule (NTR), is codified at 40 CFR 131.36. The specific requirements for Alaska are codified at section 131.36(d)(12) and among other criteria, include water quality criteria for the protection of human health from arsenic. EPA promulgated a human health criterion for Alaska of 0.18 µg/L to protect waters designated for the consumption of water (i.e., sources of drinking water) and the consumption of aquatic life which includes fish and shellfish such as shrimp, clams, oysters and mussels. This criterion is located in column D1 in the criteria matrix at section 131.36(b)(1). EPA also promulgated a human health criterion of 1.4 µg/L for waters designated for the consumption of aquatic life without considering water consumption. This criterion is located in column D2 in the criteria matrix. These concentrations are designed to not exceed an excess lifetime cancer risk of 1 in 100,000 (or 10^{-5}) and reflected Alaska's preference for risk levels as expressed in its own rule adoptions and in correspondence with EPA's Region 10. See 57 FR 60848 and 57 FR 60867.

Subsequent to the promulgation of the NTR, a number of issues and uncertainties arose concerning the health effects of arsenic. EPA determined that these issues and uncertainties were sufficiently significant to necessitate a careful evaluation of the risks of arsenic exposure. Accordingly, EPA has undertaken a number of activities aimed at reassessing the risks to human health from arsenic. (See Basis and Purpose section below.)

In light of EPA's review of the health effects of arsenic, the State of Alaska requested EPA to allow the state to use an arsenic criteria of 50 µg/L which is based on the maximum contaminant level (MCL) promulgated by EPA pursuant to the Safe Drinking Water Act, and is currently in the state's water quality standards in lieu of the human health criteria in the NTR. As adopted by Alaska, the 50 µg/l for arsenic applies to almost all fresh waters that have the public water supply designated use. (According to the state, this includes all but 10 fresh-water segments.)

Proposed Rule

On May 21, 1997, EPA proposed to withdraw from the NTR the applicability to Alaska of the arsenic human health criteria, and requested public comments by July 7, 1997 (62 FR 27707). As discussed in the preamble to the proposed rule, EPA made a preliminary determination that the 50 µg/l value for arsenic in freshwater designated for public water supply, in conjunction with Alaska's aquatic life criteria for arsenic, meets the requirements of the CWA, and solicited public comment on that determination. Following requests to allow more time to review the supporting record, EPA re-opened the public comment period on July 18, 1997 for 2 additional weeks, with final closing on August 4, 1997 (62 FR 38512). EPA received 70 comment letters comprising 320 pages.

Final Rule

As discussed below under Basis and Purpose and Response to Comments, EPA in this rulemaking is finalizing the proposed withdrawal of the applicability to Alaska's waters of EPA's human health criteria for arsenic. In a totally unrelated action, EPA recently removed the NTR aquatic life criteria for 19 acute aquatic life criteria applicable to Alaska (62 FR 53212, October 10, 1997). Arsenic was one of the criteria included in that federal action. As a result, when this rulemaking becomes effective, Alaska's current adopted criteria approved by EPA will be the only applicable water quality criteria for arsenic in Alaska. These criteria are: A chronic marine aquatic life criterion of 36 µg/L, a chronic freshwater aquatic life criterion of 190 µg/L, and the freshwater criterion of 50 µg/L for waters designated for public water supply discussed above. The aquatic life criteria are in place for all of the state's marine and estuarine waters, and in all fresh waters, including those few cases where the 50 µg/l value is not applicable.

Basis and Purpose for Final Rule

EPA has recognized the use of appropriate MCLs in establishing water quality standards under the CWA. Agency guidance notes the differences between the statutory factors for developing SDWA MCLs and CWA section 304(a) criteria, but provides that where human consumption of drinking water is the principal exposure to a toxic chemical, then an existing MCL may be an appropriate concentration limit. See guidance noticed in 54 FR 346, January 5, 1989. Similarly, the CWA section 304(a) human health guidelines are consistent with this position. See 45 FR 79318, November 28, 1980.

To determine whether the MCL could appropriately be used in lieu of the NTR's human health criteria for arsenic, EPA prepared an exposure analysis. This analysis estimates the significance of human consumption of fish and shellfish containing the amounts of inorganic arsenic indicated as present in representative samples of fish and shellfish, in conjunction with the consumption of water containing concentrations of arsenic currently existing in the Nation's waters. See EPA's ''Arsenic and Fish Consumption'' (EPA–822–R–97–003, December 3, 1997) in the administrative record for this rulemaking. This analysis first recognizes that the most toxic form of arsenic is inorganic arsenic. Inorganic arsenic is the principal form in surface waters and almost the exclusive form in ground waters. However, because of the metabolic processes affecting arsenic in the food chain, the arsenic in fish and most shellfish is largely present as organic arsenic (mostly arsenobetaine), which is significantly less toxic than the inorganic form. Available information indicates that arsenobetaine passes through these organisms with minimal retention in the fish, shellfish and human tissues.

In the NTR, EPA based the promulgated criteria on the human health criteria methodology contained in the 1980 human health guidelines. See 45 FR 79318, November 28, 1980. To estimate the ambient water concentration of a pollutant that does not represent a significant risk to the public (i.e., the criteria levels), the

methodology makes certain assumptions about human exposure to pollutants. The methodology assumes that for most people, drinking water intake is 2 liters per day, and that fish consumption is 6.5 grams per day (a little less than one-half pound per month). The methodology incorporates a bioconcentration factor (BCF) to account for a pollutant's concentration in fish and shellfish tissue versus its concentration in the water. The methodology also assumes that all of the water and fish consumed is contaminated at the criteria levels (the ''safe'' levels).

Using these same exposure factors from the methodology, EPA has assessed the protectiveness of the 50 µg/l arsenic value as a human health water quality criterion. In its analysis, EPA focused on the inorganic form of arsenic, because of its far greater toxicity than the organic forms. Assuming that the concentration of arsenic in water is at 50 µg/L, primarily in the inorganic form, most people would be exposed to up to 100 µg of inorganic arsenic from their drinking water intake (i.e., 2 L/day × 50 µg/L = 100 µg/day), and 0.6 µg/day of inorganic arsenic from consuming 6.5 grams of fish and shellfish collected from water at the 50 µg/l arsenic concentration and assuming the BCF used in the NTR. (See derivation in EPA's ''Arsenic and Fish Consumption'' in the record.) The total estimated exposure would be 100.6 µg/day which could consist entirely of inorganic arsenic. EPA considers the small increment of exposure from fish consumption to be insignificant. EPA therefore concludes that when applied to fresh waters in Alaska, use of 50 µg/L as an ambient water quality criterion for arsenic (assuming both water and fish consumption) generally provides a level of protection equivalent to that provided by water consumption only at 50 µg/l. A full characterization of other exposure scenarios is contained in EPA's exposure analysis described above. This analysis is in the administrative record for this rule and has undergone external peer review. The results of the peer review were considered by the Agency in preparing today's final action. The peer review comments and EPA's response to those comments are included in the administrative record for this proceeding. In general, EPA considers the peer review to be supportive of the methodology applied to support today's action.

There may be regions in Alaska where high levels of arsenic in the potable water are accompanied by high levels of fish and shellfish consumption that also may be high in arsenic contamination. In some of these situations, it is possible that a water quality criterion of 50 µg/l would not provide an acceptable level of protection, and additional action would be needed. In a recent letter, the State of Alaska stated,

> ''AS 46.03.110(d) [Alaska Statutes] and 18 AAC 70.025 [Alaska Administrative Code] authorizes us to use site-specific data to develop appropriate permit limits or site specific criteria to further our statutory mission, which includes protection of public health. It is our practice, and will continue to be our practice, to evaluate specific water quality concerns raised by an affected community or individual. If there is indication of a potential problem, we will use site specific data to set limits that fully protect human health.'' [bracketed material added]. October 8, 1997 letter from Michelle Brown, Commissioner, Alaska Department of Environmental Conservation, to Robert Perciasepe, Assistant Administrator for EPA's Office of Water, which is in the administrative record for this action.

EPA is pleased that the State of Alaska is prepared to act in such situations, and stands ready to assist the state if necessary to implement this policy. In developing site-specific criteria the state should use its authorities to characterize the size and location of the population of concern and determine their fish/shellfish and water intake rates. The fish and shellfish consumption should consider the species and dietary intake on a per species basis. Actual total arsenic and inorganic arsenic values for the species consumed and actual concentrations in drinking water should be used in the exposure calculations whenever possible.

There are also a number of ongoing national activities that may affect and/or necessitate a future change in the arsenic criteria for both ambient and drinking water in Alaska. The National Academy of Sciences (NAS) has initiated a study of the health risks posed by arsenic in water. Results of the study are expected in the Spring of 1998. Moreover, EPA is in the process of reevaluating the risk assessments for arsenic as part of a pilot program for reconfiguring the Agency's Integrated Risk Information System (IRIS). EPA originally planned this re-evaluation to cover aspects of both cancer and non-cancer risks and to include examination of data not previously reviewed. With the initiation of the NAS study, EPA redirected the focus of the IRIS reevaluation to the application of the proposed revisions to EPA's Guidelines for Cancer Risk Assessment. This reevaluation of arsenic for IRIS has not yet been completed. EPA encourages the state to review its water quality criteria for arsenic as this new information becomes available.

Response to Comments on the Proposed Rule

The Agency received a number of public comments on the proposed rule. The Agency has prepared a document entitled ''Response to Public Comment'' which it is placing in the administrative record to this action. EPA has considered all comments received in developing this final rule. The majority of commenters favored EPA's proposed action. However, several commenters urged EPA not to change its criteria in Alaska. Their arguments focused on the various scientific factors involved in supporting the NTR criterion. These comments inappropriately assumed that the issue before the Agency in this action was the establishment of a new or revised arsenic human health criterion rather than whether it is scientifically defensible to apply the 50 µg/l value for arsenic as the applicable criterion for CWA purposes. EPA is not developing or recommending a revised arsenic Clean Water Act section 304(a) human health criterion in this action.

EPA's water quality standards regulation provides that in establishing criteria, States should establish numerical values that may be based on EPA's section 304(a) criteria guidance or ''other scientifically defensible methods.'' (See 40 CFR 131.11(b).) EPA's responsibility in this action is to determine the scientific defensibility of Alaska's arsenic value as a human health water quality criterion.

EPA's analysis for this rule considered reasonable estimates of doses not only for typical consumers of drinking water and aquatic life, but also for highly exposed populations. These populations include persons who not only consume water with high arsenic concentrations, but who also consume large amounts of fish and shellfish captured from waters with significant to high arsenic concentrations. EPA is satisfied that its calculations demonstrate that application of the 50 µg/l value in Alaska's water quality standards will provide protection to typical consumers of water and aquatic life in Alaska. EPA also recognizes that in some cases site specific procedures will be needed to protect consumers where extraordinary combinations of high arsenic concentrations in drinking water and high fish and shellfish consumption occur. EPA will rely on the state to use the site specific procedures in their policy cited above to reduce arsenic intakes to acceptable levels. EPA believes that the technical document developed for this

rulemaking, which has been externally peer reviewed, satisfies its responsibilities to ascertain the scientific defensibility of using the 50 µg/l value for arsenic as the human health criterion for Alaska's freshwater. See, for example, *NRDC* v. *EPA*, 806 F. Supp. 1263 (E.D. Va., 1992).

Applicability in Indian Country

The National Toxics Rule criteria promulgated by EPA for application in Alaska are applicable only to the waters of the state. EPA did not intend to include Indian Country in that promulgation and thus Indian Country was not mentioned in the NTR preamble or rule. Thus, this final rule removing the applicability to Alaska's waters of EPA's NTR human health arsenic criteria only affects waters of Alaska, and does not affect any waters in Indian Country.

Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines a ''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 or 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 Presidents priorities, or of the principles set forth in the Executive Order.

The withdrawal of the applicability of the arsenic human health criteria to the waters of Alaska imposes no additional regulatory requirements. Therefore, it has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is not subject to OMB review.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with regulatory requirements.

Today's rule contains no federal mandates (under the regulatory provisions of Title II of the UMRA) for state, local or tribal governments or the private sector. EPA is withdrawing the applicability of a federal rule to the State of Alaska and therefore does not impose any additional regulatory requirements or result in the annual expenditure of $100 million or more for state, local or tribal governments, in the aggregate, or to the private sector; and is not a federal mandate, as defined by the UMRA, nor does it uniquely affect small governments in any way. As such, the requirements of sections 202, 203, and 205 of Title II of the UMRA do not apply to this action.

National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act, the Agency is required to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. ''Voluntary consensus standards'' are ''technical standards'' (e.g., materials specifications, test methods, sampling procedures, business practices, management systems practices, etc.) which are developed or adopted by voluntary consensus standard bodies. Where available and potentially applicable voluntary consensus standards are not used by EPA, the Act requires the Agency to provide Congress, through the Office of Management and Budget, an explanation of the reasons for not using such standards.

This rule withdraws human health water quality criteria for arsenic promulgated by EPA for the state of Alaska. The rule does not prescribe any substantive control standards, including any ''technical standards'' within the meaning of the NTTAA. Accordingly, this rule is not subject to the NTTAA.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), EPA generally is required to conduct a regulatory flexibility analysis describing the impact of the regulatory action on small entities as part of rulemaking. However, under section 605(b) of the RFA, if EPA certifies that the rule will not have a significant economic impact on a substantial number of small entities, EPA is not required to prepare an RFA. Pursuant to section 605(b) of the RFA, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities. EPA has not prepared a final regulatory flexibility analysis for this action because the agency has determined that this action is deregulatory in nature and would impose no additional regulatory requirements or costs. Therefore, pursuant to section 605(b) of the Regulatory Flexibility Act, the Administrator certifies that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* places requirements on the Agency to estimate projected costs and reporting burdens for information collection requirements included in proposed and final rules. Any such requirements are subject to approval by the Office of Management and Budget. This final rule does not impose any requirement subject to the Paperwork Reduction Act because the action withdraws the applicability of a

federal rule to the State of Alaska and does not place any reporting requirements on the state.

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, 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 the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 131

Environmental protection, Water pollution control, Water quality standards.

Dated: February 23, 1998.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, Title 40, Chapter I, part 131 of the Code of Federal Regulations is amended as follows:

PART 131—WATER QUALITY STANDARDS

1. The authority citation for part 131 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

§ 131.36 [Amended]

2. In Section 131.36(d)(12)(ii) the table is amended under the heading ''Applicable Criteria'', in the entry for ''Column D1'' and three entries for ''Column D2'' by removing the number ''2'' from the list of numbers.

[FR Doc. 98–5091 Filed 2–27–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7236]

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) 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 for Mitigation 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 (NFIP).

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 for Mitigation 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 NFIP. 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: