

sale in the Puget Sound CO nonattainment area during the winter months to contain an average oxygenate content of at least 2.7 percent by weight. Program requirements would be identical to those incorporated into the current oxygenated gasoline program (Chapter 173-492, Washington Administrative Code, Motor Fuel Specifications for Oxygenated Gasoline, adopted October 6, 1992 and PSAPCA Regulation II, Section 2.09, Oxygenated Gasoline, adopted October 14, 1993).

This contingency measure will be triggered in the event of a quality-assured violation of the NAAQS for CO at any one of the permanent monitoring sites in the nonattainment area. Thus, this triggering will occur when any one monitoring site records two 8-hour average CO concentrations that equal or exceed 9.5 ppm in a single calendar year.

The oxygenated fuels program will be fully implemented no later than the next full winter season following the date when the trigger was activated. Implementation will continue throughout the balance of the CO maintenance period, or until such time that a reassessment of the ambient CO monitoring data establishes that the contingency measure is no longer necessary.

As mentioned above, the WDOE has chosen to convert its oxygenated fuels requirement in the Seattle-Tacoma-Everett CMSA to a contingency measure in its maintenance plan upon redesignation. EPA is approving the WDOE's contingency measure for the Seattle-Tacoma-Everett area.

E. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, the State has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. That revised SIP will provide for maintenance for an additional ten years.

Conclusion

EPA proposes to approve the Seattle-Tacoma-Everett, Washington CO maintenance plan and request for redesignation to attainment because WDOE has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation.

In addition, EPA, after notification of and consultation with the affected tribal governments, proposes to redesignate to attainment those areas in the Seattle-Tacoma-Everett CO nonattainment area that are located within the Tulalip Reservation, the Puyallup Reservation and the Muckleshoot Reservation. The

Agency believes that the redesignation requirements are effectively satisfied here based on information provided by WDOE and requirements contained in the WDOE SIP and maintenance plan.

EPA is soliciting public comments on this notice and on issues relevant to EPA's proposed action. Comments will be considered before taking final action. Interested parties may participate in the federal rule making procedure by submitting written comments to the person and address listed in the ADDRESSES section at the beginning of this notice.

IV. Administrative Review

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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, I certify 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 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).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, 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 the private sector, of \$100 million or more. Under Section 205, 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 EPA to establish a plan for informing and advising any small

governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed 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 pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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 any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2224), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations.

40 CFR Part 81

Air pollution control, National parks, and Wilderness areas.

Authority: 42 U.S.C 7401-7671q.

Dated: May 22, 1996.

Jane S. Moore,

Acting Regional Administrator.

[FR Doc. 96-14679 Filed 6-10-96; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7182]

Proposed Flood Elevation Determinations

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:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	
Jenkintown (Borough), Montgomery County	
Tacony Creek:	
Approximately 200 feet upstream of Greenwood Avenue	*206
At the confluence of Baeder Run	*220
Baeder Run:	
At the confluence with Tacony Creek	*220
Approximately 586 feet upstream of confluence with Tacony Creek	*220
Maps available for inspection at the Jenkintown Borough Offices, 700 Summit Avenue, Jenkintown, Pennsylvania.	
Send comments to Mr. John Plunkett, President of the Jenkintown Borough Council, P.O. Box 2176, Jenkintown, Pennsylvania 19046.	
Lower Salford (Township), Montgomery County	
Skipack Creek:	
At Quarry Bridge Road	*176
Near Wampole Road approximately 950 feet upstream of State Highway 63	*199
Skipack Creek Tributary No. 2:	
Approximately 150 feet downstream of Wampole Road	*211
Approximately 525 feet upstream of Wampole Road	*212
Maps available for inspection at the Township Office, 474 Main Street, Harleysville, Pennsylvania.	
Send comments to Mr. Douglas Gifford, Chairman of the Lower Salford Township Board of Commissioners, 474 Main Street, Harleysville, Pennsylvania 19438.	

§ 67.4 [Amended]

3. 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
North Carolina	Marion (City) McDowell County.	Catawba River	Approximately 340 feet (or 0.1 mile) downstream of the U.S. Route 221 bridgex.	*1226	*1222
			Approximately 0.4 mile upstream of the U.S. Route 221 Bypass bridge.	*1234	*1228

Maps available for inspection at the Marion City Hall, 200 North Main Street, Marion, North Carolina.

Send comments to The Honorable A. Everette Clark, Mayor of the City of Marion, P.O. Drawer 700, Marion, North Carolina 28752.

Tennessee	La Vergne (City) Rutherford County.	Hurricane Creek	Approximately 0.9 mile downstream of U.S. Routes 41 and 70.	*517	*510
		West Branch Hurricane Creek.	At confluence of East and West Branches Hurricane Creek.	*573	*575
			Approximately 820 feet downstream of Bridgestone Parkway.	*576	*575
			Approximately 200 feet downstream of Heil Quaker Boulevard.	*586	*585
		Rock Spring Branch	Approximately 900 feet downstream of Waldron Road.	*656	*654
		East Branch Hurricane Creek.	At Waldron Road	None	*660
			Approximately 0.18 mile upstream of Bridgestone Parkway.	*578	*579
		J. Percy Priest Reservoir ... East Branch Hurricane Creek.	Approximately 0.16 mile upstream of Waldron Road.	*581	*582
			Entire shoreline within community	None	*506
			Approximately 100 feet downstream of Industrial Boulevard.	*586	*587

Maps available for inspection at the La Vergne City Hall, 5093 Murfreesboro Road, La Vergne, Tennessee.

Send comments to The Honorable Mike Webb, Mayor of the City of La Vergne, 5093 Murfreesboro Road, La Vergne, Tennessee 37086.

Tennessee	Murfreesboro (City) Rutherford County.	Lytle Creek	Approximately 200 feet upstream of Old Fort Parkway at the upstream side of Louisville and Nashville Railroad.	*582	*581
		Bushman Creek	Approximately 200 feet upstream of County Club Drive.	None	*604
			At upstream side of Compton Road	*549	*546
			Approximately 200 feet downstream of New Lascassas Road.	*587	*585

Maps available for inspection at the Murfreesboro City Hall, City Planning Department, 111 West Vine Street, Murfreesboro, Tennessee.

Send comments to The Honorable Joe B. Jackson, Mayor of the City of Murfreesboro, P.O. Box 1139, Murfreesboro, Tennessee 37133-1139.

Tennessee	Rutherford County (Unincorporated Areas).	East Fork Stones River ...	Approximately 1.45 miles downstream of U.S. Route 231 (Lebanon Pike).	*530	*529
		J. Percy Priest Reservoir ...	Approximately 0.8 mile upstream of State Route 96.	*565	*561
			Entire shoreline within county	None	*506
		Bear Branch	At confluence with East Fork Stones River.	*542	*539
		Overall Creek	At downstream side of Dejarnette Lane ...	*584	*580
			At confluence with West Fork Stones River.	*533	*532
		Lytle Creek	Approximately 4.0 miles upstream of State Route 96.	*632	*634
			Approximately 500 feet upstream of Sanbyrn Road (at downstream cor- porate limits).	None	*601
		Rock Spring Branch	Approximately 100 feet downstream of Dilton-Mankin Road.	*644	*643
			Approximately 1,000 feet downstream of Waldron Road.	*654	*653
		Olive Branch	Approximately 1,900 feet upstream of Waldron Road.	None	*673
			At confluence with Stewart Creek	*531	*532

State	City/town/ county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.45 mile upstream of Rocky Ford Road.	*582	*583
		Stewart Creek	Approximately 0.5 mile downstream of 8th Avenue.	None	*506
			Approximately 50 feet upstream of Alnaville Road.	None	*603
		Lees Spring Branch	At confluence with Lytle Creek	None	*623
			Approximately 150 feet upstream of Dilton-Mankin Road.	None	*630
		Wades Branch	At confluence with East Fork Stones River.	*535	*531
			Approximately 0.65 mile upstream of State Route 102.	*535	*534
		Bradley Creek	At confluence with East Fork Stones River.	*564	*559
			Approximately 264 feet upstream of Browns Mill Road.	*	*
		Puckett Creek	At confluence with Overall Creek	*570	*572
			Approximately 0.12 mile upstream of confluence with Overall Creek.	*571	*572
		Bushman Creek	At confluence with East Fork Stones River.	*549	*546
			Approximately 1,300 feet upstream of New Lascassas Road.	*590	*591

Maps available for inspection at the Rutherford County Courthouse, County Engineering Department, #1 Public Square South, Room 101, Murfreesboro, Tennessee.

Send comments to Ms. Nancy Allen, Rutherford County Executive, Rutherford County Courthouse, #1 Public Square South, Room 101, Murfreesboro, Tennessee 37130.

Tennessee	Smyrna (Town) Rutherford County.	Stewart Creek	Approximately 0.6 mile downstream of 8th Avenue.	None	*506
			Approximately 500 feet upstream of I-24 Eastbound.	*542	*547
		Rock Spring Branch	Approximately 0.29 mile upstream of confluence with Harts Branch.	*542	*543
			Approximately 0.33 mile upstream of Last Crossing of Rock Spring Road.	None	*702
		J. Percy Priest Reservoir ...	For its entire shoreline within community	None	*506
		Olive Branch	At the confluence with Stewart Creek	*531	*532
			Approximately 375 feet upstream of Rosewood Drive.	*553	*560

Maps available for inspection at the Smyrna Town Hall, 315 South Lowry Street, Smyrna, Tennessee.

Send comments to The Honorable Paul H. Johns, Mayor of the Town of Smyrna, 315 South Lowry Street, Smyrna, Tennessee 37167.

West Virginia	Moorefield (Town) Hardy County.	South Branch Potomac River.	At a point approximately 2,000 feet upstream of corporate limits.	*806	*807
			At confluence of the South Fork of the South Branch Potomac River.	*808	*807
		South Fork of the South Branch Potomac River.	At confluence with the South Branch Potomac River.	*808	*807
			Approximately 700 feet upstream of southern corporate limits.	*828	*829

Maps available for inspection at the Moorefield Town Hall, 206 Winchester Avenue, Moorefield, West Virginia.

Send comments to The Honorable LeMar Sager, Mayor of the Town of Moorefield, 206 Winchester Avenue, Moorefield, West Virginia 26836.

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

Dated: May 31, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96-14727 Filed 6-10-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 10

[Docket No. OST-96-1437; Notice 96-19]

RIN 2105-AC57

Privacy Act; Maintenance of and Access to Records Pertaining to Individuals; Amendment

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: DOT proposes to amend its regulations in implementing the Privacy Act, 5 U.S.C. 552a. This revision updates organizational changes since the last revision and streamlines the regulations in order to make the regulations more useful. Public comment is invited.

DATES: Comments are due August 12, 1996.

ADDRESSES: Comments should be addressed to Documentary Services Division, Attention: Docket Section, Room PL401, Docket No. OST-96-1437, Department of Transportation, C-55, Washington, DC 20590. Any person wishing acknowledgment that his/her comments have been received should include a self-addressed stamped postcard. Comments received will be available for public inspection and copying in the Documentary Services Division, Room PL401, Department of Transportation Building, 400 Seventh Street, SW, Washington, DC, from 10 AM to 5 PM ET Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dorothy A. Chambers, Office of the General Counsel, C-12, Department of Transportation, Washington, DC 20590, telephone (202) 366-4542, FAX (202) 366-7152.

SUPPLEMENTARY INFORMATION: The President instituted a Regulatory Review initiative, for the reinvention of regulations by eliminating duplicate, redundant or unnecessary language and revising regulations to meet the need of users. In response to this initiative, we have reviewed part 10 and are proposing to revise this section to

update and streamline information on maintenance and access to records pertaining to individuals. The main revision is to remove from the Code of Federal Regulations Appendices B through J to this part and remove references to the appendices throughout the part. These appendices contain information that is available through the Notice of Records Systems published by the Federal Register, National Archives and Records Administration, which describes the systems of records maintained by all Federal agencies, including the Department and its components. Therefore, it is unnecessary to repeat this information in the regulations. Several other housekeeping corrections have also been made.

Analysis of regulatory impacts.

This amendment is not a "significant regulatory action" within the meaning of Executive Order 12866. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. Because the economic impact should be minimal, further regulatory evaluation is not necessary. Moreover, I certify that this proposal will not have a significant economic impact on a substantial number of small entities.

This proposal does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

Finally, the proposal does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act of 1980.

List of Subjects in 49 CFR Part 10

Privacy.

In accordance with the above, DOT proposes to amend 49 CFR part 10 as follows:

PART 10—[AMENDED]

1. The authority citation would continue to be as follows:

Authority: 5 U.S.C. 552a; 49 U.S.C. 322.

§ 10.1 [Amended]

2. In § 10.1, paragraphs (b), (c), and (d) would be removed and the paragraph designation (a) would be removed.

3. In § 10.5, within the definition of *Department*, paragraph (f) would be revised, and a new paragraph (i) would be added to read as follows

§ 10.5 Definitions.

Unless the context requires otherwise, the following definitions apply in this part:

* * * * *

Department * * *

* * * * *

(f) Federal Transit Administration.

* * * * *

(i) Bureau of Transportation Statistics.

* * * * *

4. In § 10.31, paragraph (a) would be revised to read as follows:

§ 10.31 Requests for records.

(a) Ordinarily, each person desiring to determine whether a record pertaining to him/her is contained in a system of records covered by this part or desiring access to a record covered by this part, or to obtain a copy of such a record, shall make a request in writing addressed to the system manager. The "Notice of Records Systems" published by the Office of the Federal Register, National Archives and Records Administration, describes the systems of records maintained by all Federal agencies, including the Department and its components. In exceptional cases oral requests are accepted. See § 10.13(b) regarding inquiries concerning Privacy Act matters or requests for assistance.

* * * * *

5. In § 10.35, paragraph (a)(12) would be added to read as follows:

§ 10.35 Conditions of disclosure.

(a) No record that is contained within a system of records of the Department is disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be:

* * * * *

(12) To a consumer reporting agency in accordance with 31 U.S.C. 3711(f).

* * * * *

6. In § 10.37, the last sentence would be revised to read as follows:

§ 10.37 Identification of individual making request.

* * * In such cases, these additional requirements are listed in the public notice for the system.

7. Section 10.39 would be revised to read as follows: