

stringency requirements. As outlined in the proposed rulemaking to this final action (61 FR 6184), the Washington permitting authorities were requested to demonstrate to EPA that Washington's criminal enforcement authorities are consistent with the requirements of 40 CFR 70.11(a), and therefore 40 CFR 63.91(b)(1) and (b)(6), if they wish to receive "full" approval. Specifically, the Washington permitting authorities were requested to:

(1) Revise RCW 70.94.430 to provide for maximum criminal penalties of not less than \$10,000 per day per violation, as required by 40 CFR 70.11(a)(3)(ii),

(2) Revise RCW 70.94.430 to allow the imposition of criminal penalties against any person who knowingly makes any false material statement, representation or certification in any form, in any notice or report required by a permit, as required by 40 CFR 70.11(a)(3)(iii). This provision must include maximum penalties of not less than \$10,000 per day per violation, and

(3) Revise RCW 70.94.430 to allow the imposition of criminal penalties against any person who knowingly renders inaccurate any required monitoring device or method, as required by 40 CFR 70.11(a)(3)(iii). This provision must include maximum penalties of not less than \$10,000 per day per violation, or

(4) Demonstrate to the satisfaction of EPA that these authorities are consistent with 40 CFR 70.11, and therefore 40 CFR 61.91.

To date, Ecology has only submitted supporting documentation to demonstrate that existing state laws are adequate to meet the requirements of (1) above. It is EPA's understanding that final action at the state level resolving issues (2) and (3) above will be completed by August 15, and will become effective on September 15. Since EPA has not had the opportunity to fully review the supporting documentation received to date in regard to (1) above, a final determination as to whether the requirements of 40 CFR 70.11 and 61.91 have been met will not be made at this time. EPA anticipates being able to take final action on these interim delegation issues in the near future, but not before Ecology's proposed regulatory changes in regard to (2) and (3) above become effective on September 15. Unless EPA takes prior action, this delegation of authority to implement and enforce the federal NESHAP regulations will extend only until December 9, 1996, the day on which interim authority for Washington's Title V federal operating permit program expires. EPA will not extend this interim delegation past December 9, 1996, unless deemed appropriate under Part 70 rulemaking.

#### IV. Summary of Action

Pursuant to the authority of § 112(l) of the Act and 40 CFR Part 63 subpart E, EPA is promulgating interim approval of the Washington permitting authorities' request for delegation of authority to implement and enforce specific 40 CFR Part 61 and Part 63 federal NESHAP regulations which have been adopted into Washington state and local law for part 70 sources. Additionally, EPA is promulgating interim approval of the mechanism by which the Washington permitting authorities will receive delegation of future NESHAP regulations. Finally, EPA is promulgating interim approval of specific SWAPCA and PSAPCA air regulations for the purpose of conferring federal enforceability to synthetic minor permits or orders issued pursuant to these regulations.

#### V. 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

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.

NESHAP rule or program delegations approved under the authority of section 112(l) of the Act do not create any new requirements, but simply confer federal authority for those requirements that the state of Washington is already imposing. Therefore, because section 112 delegation approvals do not impose any new requirements, the Agency has determined that it would not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of the State action. The Act forbids EPA to base its actions concerning State programs 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 Reform Act

EPA has determined that the proposed approval action promulgated today 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.

#### 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, 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 the 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 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

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

Dated: July 24, 1996.

Chuck Clarke,

Regional Administrator.

[FR Doc. 96-21579 Filed 8-23-96; 8:45 am]

BILLING CODE 6560-50-P

## 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) 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:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street S.W., Washington, D.C. 20472, (202) 646-2756.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below of the final determinations 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 Acting 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 (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.

These modified 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.

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 Acting 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 NFIP. No regulatory flexibility analysis has been prepared.

#### Regulatory Classification

This final 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.
California: Sonoma (FEMA Docket No. 7176).	City of Cotati .....	February 7, 1996, February 14, 1996, Press Democrat.	The Honorable John Dell'Osso, Mayor, City of Cotati, 201 West Sierra Avenue, Cotati, California 94931.	January 11, 1996.	060377
California: San Luis Obispo (FEMA Docket No. 7176).	City of El Paso de Robles.	February 8, 1996, February 15, 1996, County News-Press.	The Honorable Walter Macklin, Mayor, City of El Paso de Robles, 1000 Spring Street, El Paso de Robles, California 93446.	January 11, 1996.	060308
Colorado: Arapahoe (FEMA Docket No. 7176).	Unincorporated areas	February 15, 1996, February 22, 1996, The Villager.	The Honorable Thomas R. Eggert, Chairperson, Arapahoe County, Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166.	January 16, 1996.	080011
Colorado: Archuleta (FEMA Docket No. 7176).	Unincorporated areas	February 22, 1996, February 29, 1996, Pagosa Springs Sun.	The Honorable Bill Tallon, Chairman, Archuleta Board of County Commissioners, P.O. Box 1507, Pagosa Springs, Colorado 81147.	January 23, 1996.	080273
Colorado: Boulder (FEMA Docket No. 7176).	City of Boulder .....	February 22, 1996, February 29, 1996, Daily Camera.	The Honorable Leslie Durgin, Mayor, City of Boulder, P.O. Box 791, Boulder, Colorado 80306.	January 16, 1996.	080024

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Colorado: El Paso (FEMA Docket No. 7176).	City of Colorado Springs.	February 21, 1996, February 28, 1996, Gazette Telegraph.	The Honorable Robert Isaac, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901.	January 22, 1996.	080060
Colorado: Jefferson (FEMA Docket No. 7176).	City of Golden .....	February 9, 1996, February 16, 1996, Golden Transcript.	The Honorable Marvin Kaye, Mayor, City of Golden, City Hall, 911 Tenth Street, Golden, Colorado 80401.	January 11, 1996.	080090
Colorado: Archuleta (FEMA Docket No. 7176).	Town of Pagosa Springs.	February 22, 1996, February 29, 1996, Pagosa Springs Sun.	The Honorable Ross Aragon, Mayor, Town of Pagosa Springs, P.O. Box 1859, Pagosa Springs, Colorado 81147.	January 23, 1996.	080019
Oklahoma: Garfield (FEMA Docket No. 7176).	City of Enid .....	February 22, 1996, February 29, 1996, Enid News and Eagle.	The Honorable Michael G. Cooper, Mayor, City of Enid, P.O. Box 1768, Enid, Oklahoma 73702-1768.	January 23, 1996.	400062
Oklahoma: Canadian (FEMA Docket No. 7176).	City of Oklahoma City	February 15, 1996, February 22, 1996, Journal Record.	The Honorable Ronald J. Norick, Mayor, City of Oklahoma City, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102.	January 22, 1996.	405378
Texas: Travis (FEMA Docket No. 7176).	City of Austin .....	February 22, 1996, February 29, 1996, Austin American Statesman.	The Honorable Bruce Todd, Mayor, City of Austin, P.O. Box 1088, Austin, Texas 78767.	January 19, 1996.	480624
Texas: Dallas (FEMA Docket No. 7167).	City of Dallas .....	November 23, 1995, November 30, 1995, Dallas Morning News.	The Honorable Ron Kirk, Mayor, City of Dallas, 1500 Marilla Street, Room 5E North, Dallas, Texas 75201.	November 6, 1995.	480171
Texas: Dallas (FEMA Docket No. 7167).	Unincorporated areas	November 23, 1995, November 30, 1995, Daily Commercial Record.	The Honorable Lee F. Jackson, Dallas County Judge, 411 Elm Street, Dallas, Texas 75202.	November 6, 1995.	480165
Texas: Denton (FEMA Docket No. 7176).	Unincorporated areas	February 21, 1996, February 28, 1996, Lewisville Leader.	The Honorable Jeff Moseley Denton County Judge, Denton County Commissioner's Court, Courthouse on the Square, 110 West Hickory, Denton, Texas 76201.	February 2, 1996.	480774
Texas: Dallas, Ellis, and Tarrant (FEMA Docket No. 7167).	City of Grand Prairie ...	November 23, 1995, November 30, 1995, The Mid-Cities News.	The Honorable Charles England, Mayor, City of Grand Prairie, 317 College Street, Grand Prairie, Texas 75053.	November 6, 1995.	485472
Texas: Denton (FEMA Docket No. 7176).	City of Lewisville .....	February 21, 1996, February 28, 1996, Lewisville Leader.	The Honorable Bobbie J. Mitchell, Mayor, City of Lewisville, P.O. Box 299002, Lewisville, Texas 75029.	February 2, 1996.	480195
Texas: Collin (FEMA Docket No. 7176).	City of Plano .....	February 21, 1996, February 28, 1996, Plano Star Courier.	The Honorable James N. Muns, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086-0358.	January 29, 1996.	480140

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

Dated: August 15, 1996.

Richard W. Krimm,

*Acting Associate Director for Mitigation.*

[FR Doc. 96-21689 Filed 8-23-96; 8:45 am]

BILLING CODE 6718-04-P

#### 44 CFR Part 65

[Docket No. FEMA-7193]

#### 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 Acting Associate Director, Mitigation