

necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

This final rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

XII. Executive Order 13084

What Is Executive Order 13084 and Is It Applicable to This Final Rule?

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments because it does not significantly or uniquely affect their communities.

Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: September 3, 1998.

Michael H. Shapiro,

Acting Deputy Assistant Administrator, Office of Solid Waste and Emergency Response.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by adding the following site in alphabetical order to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes(a)s	
*	*	*	*	*
TX	Tex-Tin Corp.	Texas City.		
*	*	*	*	*

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BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7265]

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: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461.

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 community of modification	Community No.
Florida: Polk	Unincorporated Areas.	June 4, 1998, June 11, 1998, <i>Lakeland Ledger</i> .	Mr. Jim Keene, Polk County Manager, P.O. Box 9005, Drawer CA 01, Bartow, Florida 33831.	May 28, 1998	120261 D
Maine: Hancock	Town of Gouldsboro.	June 25, 1998, July 2, 1998, <i>Ellsworth American</i> .	Mr. Larry Barnes, Town Manager, P.O. Box 68, Prospect Harbor, Maine 04669.	June 16, 1998	230283 B
Massachusetts: Middlesex.	City of Lowell	July 20, 1998, July 27, 1998, <i>The Sun</i> .	Mr. Brian J. Martin, Manager of the City of Lowell, 375 Merrimack Street, Lowell, Massachusetts 01852.	October 25, 1998	250201 D
Mississippi: Marshall.	Town of Byhalia ...	June 4, 1998, June 11, 1998, <i>The South Reporter</i> .	The Honorable Bill Fisher, Mayor of the Town of Byhalia, P.O. Box 348, 2404 Church Street, lia, Mississippi 38611.	September 9, 1998.	280112 B
Ohio: Warren	City of Mason	July 15, 1998, July 22, 1998, <i>Community Press of Mason</i> .	The Honorable Betty Davis, Mayor of the City of Mason, 202 West Main Street, Mason, Ohio 45040.	January 6, 1999 ...	390559 C
South Carolina: Spartanburg.	Unincorporated Areas.	July 2, 1998, July 9, 1998, <i>Herald-Journal</i> .	Mr. Roland Windham, Spartanburg County Administrator, P.O. Box 5666, Spartanburg, South Carolina 29304.	June 18, 1998	450176 B
Virginia: Loudoun ..	Unincorporated Areas.	May 6, 1998, May 13, 1998, <i>Loudoun Times-Mirror</i> .	Mr. Kirby Bowers, Loudoun County Administrator, P.O. Box 7000, Leesburg, Virginia 20177-7000.	August 11, 1998 ..	510090 C
Prince William	Unincorporated Areas.	June 24, 1998, July 1, 1998, <i>Potomac News</i> .	Mr. H. B. Ewert, Prince William County Executive, 1 County Complex Court, Prince William, Virginia 22192.	June 18, 1998	510119 D
West Virginia: Monongalia.	Unincorporated Areas.	July 16, 1998, July 23, 1998, <i>The Dominion Post</i> .	Mr. John W. Pyles, President, Monongalia County Commission, 243 High Street, Morgantown, West Virginia 26505.	July 8, 1998	540139 B
Wisconsin: Fond du Lac.	City of Fond du Lac.	June 29, 1998, July 6, 1998, <i>The Reporter</i> .	Mr. Steve Nenonen, Fond du Lac City Manager, City-County Government Center, 160 South Macy Street, P.O. Box 150, Fond du Lac, Wisconsin 54936-0150.	October 4, 1998 ...	550136 D

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

Dated: September 11, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98-25073 Filed 9-17-98; 8:45 am]

BILLING CODE 6718-03-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each 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).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final 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 table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-3461.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified

base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

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 final 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. 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 67

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

Accordingly, 44 CFR part 67 is 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.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Bessemer (City), Jefferson County (FEMA Docket No. 7105)	
<i>Valley Creek:</i>	
Approximately 165 feet up-stream of 15th Street bridge	* 459
Approximately 0.38 mile up-stream of U.S. Route 11 ...	* 487
<i>Shades Creek:</i>	
Approximately 75 feet up-stream of Dickey Springs Road	* 497
Approximately 1.05 miles up-stream of Morgan Road	* 514
<i>Unnamed Creek 41:</i>	
Approximately 1,675 feet up-stream of 18th Avenue	* 473
Approximately 0.38 mile up-stream of 18th Avenue	* 473
<i>Fivemile Creek (Valley Creek Basin):</i>	
(Backwater on an Unnamed Tributary) Approximately 800 feet upstream of Old U.S. Route 11	* 482
Maps available for inspection at the City Hall/Engineering Department, 1800 3rd Avenue North, Bessemer, Alabama.	
Birmingham (City), Jefferson County (FEMA Docket Nos. 7105 and 7255)	
<i>Tarrant Springs Branch:</i>	
Approximately 25 feet up-stream of confluence of Fivemile Creek	* 591
Approximately 250 feet downstream of Carson Road	* 708
<i>Valley Creek:</i>	
Approximately 750 feet up-stream of U.S. Route 11 ...	* 486
Approximately 1,200 feet up-stream of 4th Avenue	* 565
<i>Unnamed Creek 10:</i>	
Approximately 700 feet downstream of Houston Road	* 659
Approximately 450 feet up-stream of Houston Road ...	* 672
<i>Black Creek (Fivemile Creek Basin):</i>	
At confluence with Fivemile Creek	* 426
Approximately 1,250 feet up-stream of confluence with Fivemile Creek	* 427