

C. Impact on Small Businesses

The Agency believes, at this point, that the impact on small businesses will not be significant. EPA requests comment on the potential costs and benefits to small businesses, should revisions be made to the LDR mercury treatment standards as described in this ANPRM. Suggestions on ways the Agency might mitigate any adverse effects would also be welcome.

D. Impact on State Programs

The Agency will be cognizant of the impact of any proposed revisions to the LDR mercury treatment standards on State programs, and encourages comments on this subject.

XI. Administrative Requirements

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This ANPRM will not have a significant impact on a substantial number of small entities because it does not create any new requirements. Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act: Pursuant to the provision at 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities. However, there is the potential for future actions related to this ANPRM to have a significant economic impact on a substantial number of small entities. Therefore, the Agency will examine whether the Regulatory Flexibility Act applies in the preparation of any future rulemakings related to this ANPRM.

B. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If

the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This ANPRM is not subject to E.O. 13045 because it does not, at this point, involve decisions intended to mitigate environmental health or safety risks. Of course, as the information in response to this ANPRM is evaluated, we will continue to examine whether E.O. 13045 applies.

List of Subjects in 40 CFR Part 268

Environmental protection, Hazardous waste, Reporting and recordkeeping requirements

Dated: May 21, 1999.

Carol M. Browner,

Administrator.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7290]

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 and modified 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:

Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management 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 Associate Director for Mitigation 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 NFIP. No regulatory flexibility analysis has 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:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Iowa	Dickinson County (Unincorporated Areas).	Lower Gar Outlet Channel	Approximately 2,700 feet upstream of confluence with Little Sioux River.	None	*1,354
			Approximately 1.23 miles (6,480 feet) upstream of County Road A34.	None	*1,397
			Spirit Lake	None	*1,404
			Okoboji Lake Chain	None	*1,399

Maps are available for inspection at the Dickinson County Zoning Office, 1810 Ithaca Avenue, Spirit Lake, Iowa.

Send comments to The Honorable June Goldman, Chairperson, Dickinson County Board of Supervisors, 1802 Hill Street, Spirit Lake, Iowa 51360.

Nebraska	Platte County (Unincorporated Areas).	Shell Creek	Approximately 27 miles upstream of confluence with the Platte River.	None	*1,446
			Approximately 6 miles upstream of U.S. Route 91.	None	*1,697

Maps are available for inspection at the Platte County Highway Department, 2610 14th Street, Columbus, Nebraska.

Send comments to The Honorable Myron Franzen, Chairman, Board of Commissioners, Platte County Courthouse, 2610 14th Street, Columbus, Nebraska 68601.

North Dakota	Ward County and Incorporated Areas.	Mouse River	Approximately 264 feet downstream of Schilling Bridge.	None	*1,520
			At Lake Darling Dam	None	*1,600

Maps are available for inspection at the Flood Zoning Office, 315 Third Street, Southeast, Minot, North Dakota.

Send comments regarding Ward County and the Townships of Harrison, Kerkelie, Nedrose, New Prairie, Sawyer, and Sunde to The Honorable Karl L. Conrad, Chairperson, Ward County Commissioners, P.O. Box 5005, Minot, North Dakota 58702-5005.

Maps are available for inspection at the City of Sawyer City Hall, 104 Dakota Avenue South, Sawyer, North Dakota.

Send comments to The Honorable Ralph Packulak, Mayor, City of Sawyer, P.O. Box 237, Sawyer, North Dakota 58781.

Maps are available for inspection at the City of Minot City Engineer's Office, 1025 31st Street, Southeast, Minot, North Dakota.

Send comments to The Honorable Carroll W. Erickson, Mayor, City of Minot, 515 Second Avenue Southwest, Minot, North Dakota 58701.

Maps are available for inspection at the City of Burlington City Auditor's Office, 225 Wallace Street, Burlington, North Dakota.

Send comments to The Honorable Jerome Gruenberg, Mayor, City of Burlington, 225 Wallace Street, Burlington, North Dakota 58722.

Maps are available for inspection at the County Flood Zoning Office, 315 Third Street Southeast, Minot, North Dakota.

Send comments to The Honorable Ron Almquist, Chairman, Township of Burlington, 2700 74th Street, Northwest, Minot, North Dakota 58703.