

issues. EPA will continue to implement and issue permits for HSWA requirements for which Minnesota is not yet authorized. As the XL project involves new permits, Minnesota will issue any new permits or new portions of permits for the provisions listed in the Table above. EPA or Minnesota may enforce compliance with those permits.

I. How Does Today's Action Affect Indian Country (18 U.S.C. 1151) in Minnesota?

Minnesota is not authorized to carry out its hazardous waste program in Indian country, as defined in 18 U.S.C. 1151. This includes:

1. All lands within the exterior boundaries of Indian Reservations within or abutting the State of Minnesota, including:
 - a. Bois Forte Indian Reservation
 - b. Fond Du Lac Indian Reservation
 - c. Grand Portage Indian Reservation
 - d. Leech Lake Indian Reservation
 - e. Lower Sioux Indian Reservation
 - f. Mille Lacs Indian Reservation
 - g. Prairie Island Indian Reservation
 - h. Red Lake Indian Reservation
 - i. Shakopee Mdewankanton Indian Reservation
 - j. Upper Sioux Indian Reservation
 - k. White Earth Indian Reservation
2. Any land held in trust by the U.S. for an Indian tribe, and
3. Any other land, whether on or off a reservation that qualifies as Indian country.

Therefore, this action has no effect on Indian country. EPA will continue to implement and administer the RCRA program in these lands.

J. What Is Codification and Is EPA Codifying Minnesota's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart Y for this authorization of Minnesota's program changes until a later date.

K. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I

certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This action also does not have Tribal implications within the meaning of Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866. This action does not include environmental justice issues that require consideration under Executive Order 12898 (59 FR 7629, February 16, 1994).

Under RCRA section 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C.272) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for

affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. This final rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: August 22, 2002.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. 02-22810 Filed 9-6-02; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-D-7538]

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: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, 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 (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 Administrator, Federal Insurance and Mitigation Administration, 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. 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:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)	
				Existing	Modified
Kentucky	Harlan (City of), Harlan County.	Clover Fork	Approximately 260 feet downstream of the confluence of Martins Fork.	*1,179	*1,180
			Approximately 375 feet upstream of Main Street/State Route 72.	None	*1,181
		Martins Fork	At the confluence with Clover Fork	*1,179	*1,180
			Approximate 1,200 feet upstream of State Route 72.	*1,185	*1,186
	Interior Drainage Area No. 1.	At the intersection of Walnut Street and Cumberland Avenue.	*1,180	*1,176	
	Interior Drainage Area No. 2.	Approximately 150 feet southeast of the intersection of Clover and Walnut Streets along Walnut Street.	*1,184	*1,174	

Maps available for inspection at the Harlan City Hall, 218 South Main Street, Harlan, Kentucky.

Send comments to The Honorable Daniel E. Howard, Mayor of the City of Harlan, 218 South Main Street, P.O. Box 783, Harlan, Kentucky 40831-0783.

Maine	Turner (Town), Androscoggin County.	Nezinscot River	At confluence with Androscoggin River	None	*274
			At upstream corporate limits	None	*315
		Androscoggin River	At downstream corporate limits	None	*264

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		
				Existing	Modified	
			At upstream corporate limits	None	*281	
<p>Maps available for inspection at the Turner Town Office, 11 Turner Center Road, Turner, Maine. Send comments to Mr. James Caitlin, Turner Town Manager, Town Office, P.O. Box 157, Turner, Maine 04282-0157.</p>						
New Jersey	Estell Manor (City), Atlantic County.	Tuckahoe River	Approximately 0.7 mile upstream of Cumberland Avenue. At State Route 49	None	*56	
		Great Egg Harbor	At the confluence of Great Egg Harbor River and South River.	None	*22	
<p>Maps available for inspection at the Estell Manor City Municipal Building, 148 Cumberland Avenue, Estell Manor, New Jersey. Send comments to The Honorable Gary Buck, Mayor of the City of Estell Manor, P.O. Box 102, 148 Cumberland Avenue, Estell Manor, New Jersey 08319.</p>						
New York	Plattsburgh (City), Clinton County.	Saranac River	Approximately 200 feet upstream of Delaware and Hudson Railroad. At the upstream of corporate limits	*102	*103	
					*190	*189
<p>Maps available for inspection at the Plattsburgh City Building Inspector's Office, 41 City Hall Place, Plattsburgh, New York. Send comments to The Honorable Daniel Stewart, Mayor of the City of Plattsburgh, 41 City Hall Place, Plattsburgh, New York 12901.</p>						
New York	Plattsburgh (Town), Clinton County.	Saranac River	Approximately 0.75 mile downstream of Indian Rapids Dam. Approximately 1.9 mile upstream of Harney Bridge Road.	None	*188	
					*735	*736
<p>Maps available for inspection at Plattsburgh Town Hall, 151 Banker Road, Plattsburgh, New York. Send comments to Mr. Andrew Abdallah, Plattsburgh Town Supervisor, 151 Banker Road, Plattsburgh, New York 12901.</p>						
New York	Saranac (Town), Clinton County.	Saranac River	Approximately 1,050 feet downstream of Duquette Road. Approximately 400 feet upstream of confluence of North Branch Saranac River.	*735	*736	
					None	*1,111
<p>Maps available for inspection at the Saranac Town Hall, 3662 Route 3, Saranac, New York. Send comments to Mr. Samuel Tedford, Saranac Town Supervisor, P.O. Box 147, Saranac, New York 12981.</p>						
Tennessee	Rockwood (City), Roane County.	East Fork Black Creek	At the upstream side of West Wheeler Street. Approximately 380 feet upstream of North Front Avenue.	*879	*880	
					*915	*912
		Black Creek Side Channel	At the confluence with Black Creek	At the divergence from North Fork Black Creek.	*868	*866
						*875
		Black Creek	Approximately 1,580 feet upstream of U.S. Route 70. Approximately 220 feet upstream of West Rockwood Street.		*858	*866
						877
		Middle Fork Black Creek ..	Approximately 140 feet downstream of North Chamberlain Avenue. Approximately 2,420 feet upstream of Strang Street.		*879	*878
					None	*924
<p>Maps available for inspection at the City Hall Building, 110 North Chamberlain Avenue, Rockwood, Tennessee 37854. Send comments to The Honorable Mike Miller, Mayor of the City of Rockwood, 110 North Chamberlain Avenue, Rockwood, Tennessee 37854.</p>						
Wisconsin	Markesan (City), Green Lake County.	Grand River	At downstream corporate limits	None	*841	
				Approximately 0.6 mile upstream of the confluence of East Tributary.	None	*855
		East Tributary	At confluence with Grand River	Approximately 0.6 mile upstream of John Street.	None	*851
						None
	West Tributary	At confluence with Grand River	Approximately 0.5 mile upstream of Margaret Street.	None	*845	
					None	*871
<p>Maps available for inspection at the Markesan City Hall, 150 South Bridge Street, Markesan, Wisconsin. Send comments to The Honorable Rich Slate, Mayor of the City of Markesan, 150 South Bridge Street, Markesan, Wisconsin 53946.</p>						

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

Dated: August 30, 2002.

Anthony S. Lowe,
Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02-22822 Filed 9-6-02; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-D-7536]

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: Matthew B. Miller, P.E., Chief, Hazards

Study Branch, Federal Insurance and Mitigation Administration, 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 (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 Administrator, Federal Insurance and Mitigation Administration, 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. 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	Location	#Depth in feet above ground. •Elevation in feet (NGVD) Elevation in feet (NAVD)		Communities affected
		Existing	Modified	

DELAWARE

Kent County (Unincorporated Areas), City of Dover, Town of Smyrna, Town of Leipsic, City of Milford, Town of Frederica, Town of Boweres, Town of Little Creek, Town of Clayton,

Andrews Lake	Approximately 1,525 feet downstream of Andrews Lake Road.	None	*9	Kent County (Unincorporated Areas)
	Approximately 1.25 miles upstream of Andrews Lake Road.	None	*22	
Beaverdam Ditch	At confluence with Tidy Island Creek	None	*46	Kent County (Unincorporated Areas)
	Approximately 90 feet upstream of Taraila Road	None	*57	Kent County (Unincorporated Areas)
Browns Branch North	At the downstream side of the northbound lane of U.S. Route 13.	None	*42	