

Office prior to the publication of the rule of today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action to approve a revision to the Delaware SIP for General Conformity must be filed in the United States Court of Appeals for the appropriate circuit by September 15, 1997. Filing a petition for reconsideration by the Administrator of this rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such a rule or action.

This action pertaining to the approval of Delaware Regulation 35 for General Conformity Rule may not be challenged later in the proceedings to enforce its requirements. (See section (b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: June 30, 1997.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart I—Delaware

2. Section 52.420 is amended by adding paragraphs (c)(58) to read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) * * *

(58) Revisions to the Delaware State Implementation Plan on October 2, 1996 by the Delaware Department of Natural Resources & Environmental Control:

(i) Incorporation by reference.

(A) A letter of October 2, 1996 from the Delaware Department of Natural Resources & Environmental Control transmitting the General Conformity Rule.

(B) Delaware Regulation 35—Conformity of General Federal Actions to the State Implementation Plans (General Conformity), effective August 14, 1996.

(ii) Additional Material from the Delaware's October 2, 1996 submittal pertaining to Regulation 35.

[FR Doc. 97–18569 Filed 7–14–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN43–02–7268; FRL–5855–8]

Approval and Promulgation of Implementation Plan; Minnesota; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule correction.

SUMMARY: This document contains corrections to a final rule preamble which was published Wednesday, April 23, 1997 (62 FR 19674). The final rule approved the general conformity regulation which was incorporated by reference into the Minnesota State Implementation Plan (SIP).

EFFECTIVE DATE: This action is effective July 15, 1997.

FOR FURTHER INFORMATION CONTACT: Michael G. Leslie, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 353–6680.

SUPPLEMENTARY INFORMATION:

I. Background

On April 23, 1997 (62 FR 19674), the EPA approved a revision to the Minnesota SIP containing the general conformity regulation that contains criteria and procedures for assessing conformity of Federal actions to applicable SIPs. However, in the EPA final rulemaking, EPA inadvertently stated that Benton, Sherburne, and Stearns Counties are designated Carbon Monoxide (CO) maintenance areas, when in fact only a portion of each of these counties, namely the city of St. Cloud, are CO maintenance areas. The EPA apologizes for any inconvenience this action may have caused interested parties.

II. Miscellaneous

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is, therefore not subject to review by the Office of Management and Budget. In

addition, this action does not impose any enforceable duty or contains any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or requires prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

B. Regulatory Flexibility Act

Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

C. 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 the rule in today's **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 52

Environmental protection, Air pollution control, General conformity, Hydrocarbons, Intergovernmental relations, Sulfur dioxide, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 23, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97–18568 Filed 7–14–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MS21–1–9718a; MS22–1–9719a: FRL–5857–5]

Clean Air Act Approval and Promulgation of Revisions to the Mississippi State Implementation Plan (SIP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Mississippi State implementation plan (SIP) submitted on September 30,

1996, by the State of Mississippi through the Department of Environmental Quality (MDEQ). These SIP revisions incorporate changes to Regulation APC-S-1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants," and Regulation APC-S-5, "Regulations for the Prevention of Significant Deterioration of Air Quality." The proposed revisions to APC-S-1 incorporate amendments to state open burning restrictions and prohibitions to ensure consistency with federal solid waste disposal regulations as specified in 40 CFR Part 257. The proposed revisions to APC-S-5 incorporate revisions to the state prevention of significant deterioration of air quality regulations to update the adoption by reference in APC-S-5 of the amendments and revisions to the federal regulations promulgated in 40 CFR 52.21 and 51.166 of August 22, 1996.

DATES: This action will be effective September 15, 1997 unless adverse or critical comments are received by August 14, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303-3104.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, Atlanta, Georgia 30303-3104.

Mississippi Department of Environmental Quality, Bureau of Pollution Control, Air Quality Division, P.O. Box 10385, Jackson, Mississippi 39289-0385.

FOR FURTHER INFORMATION CONTACT: Mr. Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air Pesticides and Toxics Management Division, Region 4, Environmental Protection Agency, 61 Forsyth Street,

Atlanta, Georgia 30303. The telephone number is (404) 562-9036.

SUPPLEMENTARY INFORMATION: On September 30, 1996, MDEQ submitted revisions to the Mississippi SIP incorporating changes to Regulation APC-S-1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants," and to Regulation APC-S-5, "Regulations for the Prevention of Significant Deterioration of Air Quality." Public hearings for these revisions were held on August 20, 1996, and became state effective September 21, 1996. The major revisions are described below:

APC-S-1 "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants"

1. Section 3, Specific Criteria for Sources of Particulate Matter, paragraph 7 is being amended to include provisions allowing permitted open burning at hazardous waste disposal facilities and reads as follows:

7. Open Burning. The open burning of residential, commercial, institutional, or industrial solid waste, is prohibited. This prohibition does not apply to infrequent burning of agricultural wastes in the field, silvicultural wastes for forest management purposes, land-clearing debris, debris from emergency clean-up operations, and ordinance; and permitted open burning at hazardous waste disposal facilities subject to regulation under Subtitle C of the Federal Resource Conservation Act (RCRA).

2. Paragraph 7(c) is being added and reads as follows:

(C) Permitted open burning at a hazardous waste disposal facility subject to regulation under Subtitle C of RCRA is considered a stationary source of air pollution subject to Mississippi air emission permitting regulations.

These revisions were incorporated to ensure consistency with Federal solid waste disposal regulations as specified in 40 CFR Part 257.

APC-S-5 "Regulations for the Prevention of Significant Deterioration of Air Quality"

This plan revision incorporates revisions to the State PSD of air quality regulations to update the adoption by reference in APC-S-5 of the amendments and revisions to the Federal regulations promulgated in 40 CFR 52.21 and 51.166 as of August 22, 1996. This plan provides for incorporation of revisions to the Guideline on Air Quality Models (including Appendix C) as promulgated by EPA. This plan revision also provides for inclusion of amendments

and revisions to definitions and any other section of the above referenced Federal regulations as promulgated by EPA as of August 22, 1996.

Final Action

The EPA proposes approval of the revisions to the Mississippi SIP because they are consistent with Clean Air Act and Agency requirements.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective September 15, 1997 unless, by August 14, 1997, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective September 15, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

I. Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by 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.

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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act 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 flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S.C. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

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 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 approval 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 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 the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 15,

1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 11, 1997.

A. Stanley Meiburg,
Acting Regional Administrator.

Chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart Z—Mississippi

2. In § 52.1270(c) the table is amended by revising "Section 3" under the entry APC-S-1 and entry APC-S-5 to read as follows:

§ 52.1270 Identification of plan.

* * * * *
(c) * * *

EPA APPROVED MISSISSIPPI REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
APC-S-1—Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants				
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Section 3	Specific Criteria for Sources of Particulate Matter.	09/21/96		July 15, 1997.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
APC-S-5—Regulations for the Prevention of Significant Deterioration of Air Quality				
All	09/21/96		July 15, 1997.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-7225]

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 Executive 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: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

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 Executive 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 of modification	Community No.
Alabama: Calhoun ...	City of Jacksonville	May 14, 1997, May 21, 1997, <i>Jacksonville News</i> .	The Honorable George Douthit, Mayor of the City of Jacksonville, 320 Church Avenue, S.E., Jacksonville, Alabama 36265.	May 8, 1997	010022B
Connecticut: Fairfield	Town of Darien	May 15, 1997, May 22, 1997, <i>Darien News Review</i> .	Mr. Henry Sanders, First Selectman, Darien Board of Selectmen, Darien Town Hall, 2 Renshaw Road, Darien, Connecticut 06820.	May 5, 1997	090005D