

of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

#### *H. National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

#### *I. 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 April 17, 2000. 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: January 14, 2000.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

Part 52 of 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 *et seq.*

#### **Subpart S—Kentucky**

2. Section 52.939 is amended by adding paragraph (c)(95) to read as follows:

#### **§ 52.939 Original identification of plan section.**

\* \* \* \* \*

(c) \* \* \*

(95) Revisions to the Jefferson County portion of the Kentucky State Implementation Plan submitted by the Kentucky Natural Resources and Environmental Protection Cabinet on November 10, 1998. The regulation being added is Regulation 2.17, Federally Enforceable District Origin Operating Permits.

(i) Incorporation by reference. Air Pollution Control District of Jefferson County Regulation 2.17, Federally Enforceable District Origin Operating Permits effective June 21, 1995.

(ii) Other material. None.

[FR Doc. 00-3207 Filed 2-14-00; 8:45 am]

**BILLING CODE 6560-50-P**

#### **FEDERAL EMERGENCY MANAGEMENT AGENCY**

#### **44 CFR Part 65**

[Docket No. FEMA-7305]

#### **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, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (email) matt.miller@fema.gov.

**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 of modification	Community No.
Alabama:					
Jefferson .....	City of Birmingham	Sept. 20, 1999, Sept. 27, 1999, <i>Birmingham News</i> .	The Honorable William A. Bell, Sr., Mayor of the city of Birmingham, 710 North 20th Street, Birmingham, Alabama 35203.	Dec. 26, 1999 .....	010116 E
Jefferson .....	Unincorporated areas.	Sept. 20, 1999, Sept. 27, 1999, <i>Birmingham News</i> .	Mr. Gary White, President of the Jefferson County Commission, 716 21st Street, Birmingham, Alabama 35263.	Dec. 26, 1999 .....	010217 E
Talladega .....	City of Sylacauga	Oct. 1, 1999, Oct. 8, 1999, <i>Daily Home</i> .	The Honorable Jesse L. Cleveland, mayor of the city of Sylacauga, P.O. Box 390, Sylacauga, Alabama 35150.	Sep. 21, 1999 .....	010199 C
Connecticut:					
Fairfield .....	Town of Darien .....	Oct. 28, 1999, Nov. 4, 1999, <i>Darien News Review</i> .	Mr. Robert F. Harrel, town of Darien First Selectman, 2 Renshaw Road, Darien, Connecticut 06820.	Oct. 18, 1999 .....	090005 d&e
Fairfield .....	Town of Greenwich.	Oct. 4, 1999, Oct. 11, 1999, <i>Greenwich Times</i> .	Mr. Thomas Ragland, Selectman for the town of Greenwich, Town Hall, 101 Field Point Road, Greenwich, Connecticut 06836.	Sept. 24, 1999 .....	090008 d&e
Fairfield .....	City of Stamford ...	June 24, 1999, July 1, 1999, <i>The Advocate</i> .	The Honorable Dannel P. Malloy, mayor of the city of Stamford, 888 Washington, Boulevard, P.O. Box 10152, Stamford, Connecticut 06904.	Sept. 29, 1999 .....	090015 D
Florida:					
Dade .....	City of Miami .....	Oct. 7, 1999, Oct. 14, 1999, <i>The Miami Herald</i> .	Mr. Donald H. Warshaw, Miami city Manager, 444 SW 2nd Avenue, 10th floor, Miami, Florida 33130.	Sept. 24, 1999 .....	120650 J
Sumter .....	Unincorporated areas.	Oct. 14, 1999, Oct. 21, 1999, <i>Sumter County Times</i> .	Mr. Benny Strickland, Chairman of the Sumter County Board of Commissioners, 209 North Florida Street, room 206, Bushnell, Florida 33513.	Oct. 5, 1999 .....	120296 B
Georgia:					
Henry .....	Unincorporated areas.	Nov. 17, 1999, Nov. 24, 1999, <i>The Daily Herald</i> .	Mr. Jim Joyner, Chairman of the Henry County Board of Commissioners, 345 Phillips Drive, McDonough, Georgia 30253.	Feb. 22, 2000 .....	130468 B
Fulton .....	Unincorporated areas.	Dec. 15, 1999, Dec. 22, 1999, <i>The Atlanta Journal &amp; Constitution</i> .	Ms. Cecelia Corbin-Hunter, Interim Fulton County Manager, 141 Pryor Street, S.W., Tenth Floor, Atlanta, Georgia 30303.	Dec. 7, 1999 .....	135160 E
Henry .....	City of Stockbridge	Nov. 17, 1999, Nov. 24, 1999, <i>The Daily Herald</i> .	The Honorable Rudy Kelley, mayor of the city of Stockbridge, 4545 North Henry Boulevard, Stockbridge, Georgia 30281.	Feb. 22, 2000 .....	130468 B
Illinois:					
Cook .....	Unincorporated areas.	July 28, 1999, Aug. 4, 1999, <i>The Daily Southtown</i> .	Mr. John H. Stroger, president of the Cook County Board of Commissioners, 118 North Clark Street, room 537, Chicago, Illinois 60602.	Nov. 2, 1999 .....	170054 F

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
DuPage .....	City of Naperville ..	Dec. 8, 1999, Dec. 17, 1999, <i>The Herald News</i> .	The Honorable A. George Pradel, mayor of the city of Naperville, 400 South Eagle Street, Naperville, Illinois 60566.	Mar. 14, 2000 .....	170213 C
Cook .....	Village of Schaumburg.	Sept. 24, 1999, Oct. 1, 1999, <i>The Daily Herald</i> .	Mr. Al Larson, village of Schaumburg president, 101 Schaumburg Court, Schaumburg, Illinois 60193-1899.	Sept. 17, 1999 .....	170158 D
Will .....	Village of Beecher	Sept. 22, 1999, <i>Beecher Herald</i> .	Mr. Paul Lohmann, Beecher Village president, P.O. Box 1154, 7224 Penfield Road, Beecher, Illinois 60401.	Oct. 18, 1999 .....	170696 E
Will .....	Unincorporated areas.	Dec. 8, 1999, Dec. 17, 1999, <i>The Herald News</i> .	Mr. Charles R. Adelman, Will County Executive, 302 North Chicago Street, Joliet, Illinois 60432.	Mar. 14, 2000 .....	170695 E
Indiana: Madison ..	City of Anderson ..	Dec. 1, 1999, Dec. 8, 1999, <i>The Herald Bulletin</i> .	The Honorable J. Mark Lawler, mayor of the city of Anderson, 120 East Eighth Street, P.O. Box 2100, Anderson, Indiana 46016.	Nov. 24, 1999 .....	180150 C
Mississippi:					
Lauderdale ....	Unincorporated areas.	Oct. 5, 1999, Oct. 12, 1999, <i>The Meridian Star</i> .	Mr. Rex Hiatt, Lauderdale County administrator, 410 Constitution Avenue, 11th Floor, Meridian, Mississippi 39301.	Sept. 30, 1999 .....	280224 D
Lauderdale ....	City of Meridian ....	Oct. 5, 1999, Oct. 12, 1999, <i>The Meridian Star</i> .	The Honorable John Robert Smith, mayor of the city of Meridian, P.O. Box 1430, Meridian, Mississippi 39302-1430.	Sept. 30, 1999 .....	280096 D
Rankin .....	City of Pearl .....	Nov. 24, 1999, Dec. 1, 1999, <i>Rankin County News</i> .	The Honorable Jimmy Foster, mayor of the city of Pearl, P.O. Box 5948, Pearl, Mississippi 39288-5948.	Feb. 28, 2000 .....	280145 D
New Hampshire:					
Hillsborough ..	Town of Bedford ..	Sept. 9, 1999, Sept. 16, 1999, <i>Bedford Bulletin</i> .	Ms. Catherine Debo, Bedford Town manager, Town Office Building, 24 North Amherst Road, Bedford, New Hampshire 03110.	July 15, 1999 .....	330083 C
Merrimack ....	Town of Epsom ....	Oct. 1, 1999, <i>Concord Monitor</i> .	Mr. John Hickey, Chairman of the Town of Epsom Board of Selectmen, P.O. Box 10, Epsom, New Hampshire 03234.	Nov. 1, 1999 .....	330112 B
Ohio: Lucas .....	Unincorporated areas.	Nov. 17, 1999, Nov. 24, 1999, <i>The Blade</i> .	Ms. Sandy Isenberg, President of the Lucas County Board of Commissioners, One Government Center, Suite 800, Toledo, Ohio 43604-2259.	Feb. 22, 2000 .....	390359 D
South Carolina:					
Richland.	Unincorporated areas.	Sept. 23, 1999, Sept. 30, 1999, <i>The State</i> .	Mr. T. Cary McSwain, Richland County Administrator, P.O. Box 192, Columbia, South Carolina 29202.	Sept. 15, 1999 .....	450170 D
Tennessee:					
Hamilton .....	City of East Ridge	Sept. 10, 1999, Sept. 17, 1999, <i>Chattanooga Times Free Press</i> .	The Honorable Fred Pruett, mayor of the city of East Ridge, 1517 Tombras Avenue, East Ridge, Tennessee 37412.	Sept. 2, 1999 .....	475424 D
Shelby .....	Town of Collierville	Sept. 23, 1999, Sept. 30, 1999, <i>Collierville Herald</i> .	The Honorable Herman W. Cox, Jr., mayor of the town of Collierville, 101 Walnut Street, Collierville, Tennessee 38017-2671.	Sept. 15, 1999 .....	470263 D
Shelby .....	City of Germantown.	Nov. 18, 1999, Nov. 25, 1999, <i>Germantown News</i> .	The Honorable Sharon Goldsworthy, mayor of the city of Germantown, P.O. Box 38809, Germantown, Tennessee 38183-0809.	Nov. 10, 1999 .....	470353 D
Wisconsin: Wash- ington.	Unincorporated areas.	Oct. 5, 1999, Oct. 12, 1999, <i>The Daily News</i> .	Mr. Kenneth F. Miller, Chairman of the Washington County Board of Commissioners, 432 East Washington Street, P.O. Box 1986, West Bend, Wisconsin 53095.	Jan. 10, 2000 .....	550471 B

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

**Michael J. Armstrong,**  
Associate Director for Mitigation.  
[FR Doc. 00-3522 Filed 2-14-00; 8:45 am]  
BILLING CODE 6718-04-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)
<b>MINNESOTA</b>	
<b>Becker (City), Sherburne County (FEMA Docket No. 7295)</b>	
<i>Mississippi River:</i>	
Approximately 1.875 miles upstream of State Highway 25	*913
Approximately 6.56 miles upstream of State Highway 25	936
<i>Elk River:</i>	
Approximately 1.08 miles downstream of County Highway 4 .....	*944
Approximately 2.56 miles upstream of County Highway 4	*951
<b>Maps available for inspection</b> at the Becker City Hall, 12060 Sherburne Avenue, Becker, Minnesota.	
<b>Brown County (Unincorporated Areas) (FEMA Docket No. 7291)</b>	
<i>Minnesota River:</i>	
Approximately 1.1 miles downstream of Chicago and Northwestern Railroad .....	*805
Approximately 800 feet upstream of Chicago and Northwestern Railroad Bridge .....	*809
<i>Cottonwood River:</i>	
At confluence with Minnesota River .....	*807
At New Ulm corporate limits ....	*807
<i>Backwater Effects of the Minnesota River:</i>	
Downstream side of the Brown County corporate limits .....	*823
<b>Maps available for inspection</b> at the Brown County Planning and Zoning Office, Brown County Courthouse, New Ulm, Minnesota.	