

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 note) 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 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). This action nevertheless will be effective 60 days after it is published in the **Federal Register** because it is an immediate final rule.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian 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: June 8, 2010.

**Ira W. Leighton,**

*Acting Regional Administrator, EPA New England.*

[FR Doc. 2010-15255 Filed 6-22-10; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-8135]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES: Effective Dates:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance

coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

*National Environmental Policy Act.* This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No

environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

*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 13132, Federalism.* This rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This rule meets the applicable standards of Executive Order 12988.

*Paperwork Reduction Act.* This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for part 64 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.

**§ 64.6 [Amended]**

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAS
<b>Region I</b>				
Massachusetts:				
Aquinnah, Town of, Dukes County .....	250070	September 7, 1976, Emerg; October 15, 1985, Reg; July 6, 2010, Susp.	July 6, 2010 .....	July 6, 2010.
Edgartown, Town of, Dukes County .....	250069	July 7, 1975, Emerg; July 2, 1980, Reg; July 6, 2010, Susp.	.....do* .....	Do.
Gosnold, Town of, Dukes County .....	250071	September 29, 1977, Emerg; June 4, 1980, Reg; July 6, 2010, Susp.	.....do .....	Do.
Oak Bluffs, Town of, Dukes County .....	250072	February 6, 1974, Emerg; July 2, 1980, Reg; July 6, 2010, Susp.	.....do .....	Do.
Tisbury, Town of, Dukes County .....	250073	June 20, 1975, Emerg; June 15, 1984, Reg; July 6, 2010, Susp.	.....do .....	Do.
West Tisbury, Town of, Dukes County	250074	March 29, 1978, Emerg; October 15, 1985, Reg; July 6, 2010, Susp.	.....do .....	Do.
<b>Region II</b>				
New Jersey:				
Carteret, Borough of, Middlesex County	340257	April 4, 1973, Emerg; November 15, 1978, Reg; July 6, 2010, Susp.	.....do .....	Do.
Cranbury, Township of, Middlesex County.	340258	June 12, 1975, Emerg; May 17, 1982, Reg; July 6, 2010, Susp.	.....do .....	Do.
Dunellen, Borough of, Middlesex County.	340259	December 22, 1972, Emerg; April 1, 1977, Reg; July 6, 2010, Susp.	.....do .....	Do.
East Brunswick, Township of, Middlesex County.	340260	September 15, 1972, Emerg; January 6, 1982, Reg; July 6, 2010, Susp.	.....do .....	Do.
Edison, Township of, Middlesex County	340261	October 6, 1972, Emerg; August 16, 1982, Reg; July 6, 2010, Susp.	.....do .....	Do.
Helmetta, Borough of, Middlesex County.	340262	February 18, 1975, Emerg; October 16, 1984, Reg; July 6, 2010, Susp.	.....do .....	Do.
Highland Park, Borough of, Middlesex County.	340263	April 7, 1972, Emerg; June 1, 1977, Reg; July 6, 2010, Susp.	.....do .....	Do.
Jamesburg, Borough of, Middlesex County.	340264	October 28, 1975, Emerg; May 15, 1984, Reg; July 6, 2010, Susp.	.....do .....	Do.
Metuchen, Borough of, Middlesex County.	340266	January 14, 1972, Emerg; December 4, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.
Middlesex, Borough of, Middlesex County.	345305	September 25, 1970, Emerg; July 9, 1971, Reg; July 6, 2010, Susp.	.....do .....	Do.
Milltown, Borough of, Middlesex County	340268	February 1, 1974, Emerg; February 4, 1981, Reg; July 6, 2010, Susp.	.....do .....	Do.
Monroe, Township of, Middlesex County.	340269	February 25, 1973, Emerg; April 17, 1985, Reg; July 6, 2010, Susp.	.....do .....	Do.
New Brunswick, City of, Middlesex County.	340270	September 15, 1972, Emerg; December 4, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.
North Brunswick, Township of, Middlesex County.	340271	May 13, 1974, Emerg; May 1, 1980, Reg; July 6, 2010, Susp.	.....do .....	Do.
Old Bridge, Township of, Middlesex County.	340265	August 13, 1971, Emerg; November 15, 1985, Reg; July 6, 2010, Susp.	.....do .....	Do.
Perth Amboy, City of, Middlesex County	340272	June 25, 1975, Emerg; December 18, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Piscataway, Township of, Middlesex County.	340274	December 27, 1974, Emerg; January 18, 1984, Reg; July 6, 2010, Susp.	.....do .....	Do.
Plainsboro, Township of, Middlesex County.	340275	April 14, 1975, Emerg; June 19, 1985, Reg; July 6, 2010, Susp.	.....do .....	Do.
Sayreville, Borough of, Middlesex County.	340276	January 21, 1974, Emerg; March 16, 1981, Reg; July 6, 2010, Susp.	.....do .....	Do.
South Amboy, City of, Middlesex County.	340277	September 27, 1974, Emerg; December 4, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.
South Brunswick, Township of, Middlesex County.	340278	June 19, 1974, Emerg; December 18, 1985, Reg; July 6, 2010, Susp.	.....do .....	Do.
South Plainfield, Borough of, Middlesex County.	340279	September 4, 1973, Emerg; August 1, 1980, Reg; July 6, 2010, Susp.	.....do .....	Do.
South River, Borough of, Middlesex County.	340280	June 18, 1974, Emerg; June 4, 1980, Reg; July 6, 2010, Susp.	.....do .....	Do.
Spotswood, Borough of, Middlesex County.	340282	October 31, 1973, Emerg; December 18, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.
Woodbridge, Township of, Middlesex County.	345331	September 25, 1970, Emerg; June 2, 1972, Reg; July 6, 2010, Susp.	.....do .....	Do.
<b>Region III</b>				
West Virginia:				
Davis, Town of, Tucker County .....	540260	April 18, 1975, Emerg; July 20, 1984, Reg; July 6, 2010, Susp.	.....do .....	Do.
Hambleton, Town of, Tucker County ....	540192	July 2, 1975, Emerg; July 20, 1984, Reg; July 6, 2010, Susp.	.....do .....	Do.
Hendricks, Town of, Tucker County .....	540193	August 7, 1975, Emerg; August 1, 1987, Reg; July 6, 2010, Susp.	.....do .....	Do.
Parsons, City of, Tucker County .....	540194	April 17, 1975, Emerg; August 15, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.
Thomas, City of, Tucker County .....	540261	October 16, 1975, Emerg; September 10, 1984, Reg; July 6, 2010, Susp.	.....do .....	Do.
Tucker County, Unincorporated Areas ..	540191	December 23, 1975, Emerg; July 1, 1987, Reg; July 6, 2010, Susp.	.....do .....	Do.
<b>Region IV</b>				
Georgia:				
Elberton, City of, Elbert County .....	130077	April 22, 1975, Emerg; April 15, 1986, Reg; July 6, 2010, Susp.	.....do .....	Do.
Lincoln County, Unincorporated Areas	130665	July 15, 2008, Emerg; July 6, 2010, Reg; July 6, 2010, Susp.	.....do .....	Do.
Mississippi:				
Tylertown, Town of, Walthall County ....	280175	February 27, 1975, Emerg; September 30, 1988, Reg; July 6, 2010, Susp.	.....do .....	Do.
Walthall County, Unincorporated Areas	280307	May 20, 1980, Emerg; August 1, 1986, Reg; July 6, 2010, Susp.	.....do .....	Do.
<b>Region V</b>				
Ohio:				
Green Camp, Village of, Marion County	390374	August 1, 1975, Emerg; February 4, 1987, Reg; July 6, 2010, Susp.	.....do .....	Do.
La Rue, Village of, Marion County .....	390375	March 21, 1975, Emerg; February 4, 1987, Reg; July 6, 2010, Susp.	.....do .....	Do.
Marion County, Unincorporated Areas ..	390774	February 28, 1977, Emerg; February 4, 1987, Reg; July 6, 2010, Susp.	.....do .....	Do.
Frazeytsburg, Village of, Muskingum County.	390426	N/A, Emerg; February 9, 2005, Reg; July 6, 2010, Susp.	.....do .....	Do.
Muskingum County, Unincorporated Areas.	390425	April 28, 1976, Emerg; June 3, 1988, Reg; July 6, 2010, Susp.	.....do .....	Do.
Philo, Village of, Muskingum County ....	390851	N/A, Emerg; December 29, 2005, Reg; July 6, 2010, Susp.	.....do .....	Do.
Wisconsin: Clark County, Unincorporated Areas.				
Colby, City of, Clark and Marathon Counties.	550048	June 25, 1974, Emerg; August 15, 1990, Reg; July 6, 2010, Susp.	.....do .....	Do.
Greenwood, City of, Clark County .....	550049	November 29, 1974, Emerg; September 18, 1985, Reg; July 6, 2010, Susp.	.....do .....	Do.
Loyal, City of, Clark County .....	550051	November 11, 1974, Emerg; September 4, 1985, Reg; July 6, 2010, Susp.	.....do .....	Do.
Neillsville, City of, Clark County .....	550052	August 22, 1974, Emerg; September 4, 1985, Reg; July 6, 2010, Susp.	.....do .....	Do.
	550053	January 30, 1974, Emerg; July 17, 1978, Reg; July 6, 2010, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Owen, City of, Clark County .....	550054	November 20, 1974, Emerg; July 6, 2010, Reg; July 6, 2010, Susp.	.....do .....	Do.
Thorp, City of, Clark County .....	550055	May 9, 1975, Emerg; August 15, 1984, Reg; July 6, 2010, Susp.	.....do .....	Do.
<b>Region VI</b>				
Arkansas:				
Crittenden County, Unincorporated Areas.	050429	May 18, 1983, Emerg; November 1, 1985, Reg; July 6, 2010, Susp.	.....do .....	Do.
Earle, City of, Crittenden County .....	050054	June 20, 1974, Emerg; January 3, 1986, Reg; July 6, 2010, Susp.	.....do .....	Do.
Edmondson, Town of, Crittenden County.	050409	November 8, 1976, Emerg; March 18, 1986, Reg; July 6, 2010, Susp.	.....do .....	Do.
Horseshoe Lake, Town of, Crittenden County.	055057	N/A, Emerg; January 18, 2006, Reg; July 6, 2010, Susp.	.....do .....	Do.
Marion, City of, Crittenden County .....	050345	July 9, 1975, Emerg; September 1, 1987, Reg; July 6, 2010, Susp.	.....do .....	Do.
Turrell, City of, Crittenden County .....	050370	July 9, 1976, Emerg; February 1, 1988, Reg; July 6, 2010, Susp.	.....do .....	Do.
West Memphis, City of, Crittenden County.	050055	June 6, 1974, Emerg; July 16, 1980, Reg; July 6, 2010, Susp.	.....do .....	Do.
<b>Region VII</b>				
Kansas:				
Manhattan, City of, Pottawatomie and Riley Counties.	200300	January 30, 1974, Emerg; April 1, 1982, Reg; July 6, 2010, Susp.	.....do .....	Do.
Riley County, Unincorporated Areas .....	200298	June 23, 1975, Emerg; April 1, 1982, Reg; July 6, 2010, Susp.	.....do .....	Do.
<b>Region VIII</b>				
Colorado:				
Collbran, Town of, Mesa County .....	080116	August 12, 1975, Emerg; April 15, 1982, Reg; July 6, 2010, Susp.	.....do .....	Do.
De Beque, Town of, Mesa County .....	080307	January 25, 1985, Emerg; April 17, 1989, Reg; July 6, 2010, Susp.	.....do .....	Do.
Fruita, City of, Mesa County .....	080194	June 5, 1975, Emerg; December 1, 1981, Reg; July 6, 2010, Susp.	.....do .....	Do.
Grand Junction, City of, Mesa County ..	080117	October 13, 1978, Emerg; January 6, 1983, Reg; July 6, 2010, Susp.	.....do .....	Do.
Mesa County, Unincorporated Areas ....	080115	July 26, 1973, Emerg; July 3, 1978, Reg; July 6, 2010, Susp.	.....do .....	Do.
Palisade, Town of, Mesa County .....	080198	September 27, 1982, Emerg; February 5, 1986, Reg; July 6, 2010, Susp.	.....do .....	Do.
North Dakota:				
Dunseith, City of, Rolette County .....	380103	June 2, 1975, Emerg; February 19, 1986, Reg; July 6, 2010, Susp.	.....do .....	Do.
St. John, City of, Rolette County .....	380106	July 2, 1975, Emerg; October 1, 1986, Reg; July 6, 2010, Susp.	.....do .....	Do.
Turtle Mountain Band of Chippewa Indian Reservation, Rolette County.	380714	March 29, 1999, Emerg; July 6, 2010, Reg; July 6, 2010, Susp.	.....do .....	Do.
South Dakota:				
Mission Hill, Town of, Yankton County	460091	November 28, 1975, Emerg; June 18, 1980, Reg; July 6, 2010, Susp.	.....do .....	Do.
Yankton, City of, Yankton County .....	460093	August 22, 1974, Emerg; August 15, 1980, Reg; July 6, 2010, Susp.	.....do .....	Do.
Yankton County, Unincorporated Areas	460088	May 16, 1975, Emerg; October 1, 1986, Reg; July 6, 2010, Susp.	.....do .....	Do.
<b>Region X</b>				
Washington:				
Cheney, City of, Spokane County .....	530175	May 1, 1975, Emerg; November 6, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.
Deer Park, City of, Spokane County .....	530176	July 3, 1975, Emerg; December 26, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.
Fairfield, Town of, Spokane County .....	530177	November 17, 1975, Emerg; October 16, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.
Medical Lake, City of, Spokane County	530179	July 2, 1975, Emerg; November 8, 1984, Reg; July 6, 2010, Susp.	.....do .....	Do.
Millwood, City of, Spokane County .....	530180	March 3, 1975, Emerg; June 15, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.
Rockford, Town of, Spokane County ....	530181	March 15, 1976, Emerg; October 2, 1979, Reg; July 6, 2010, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Spokane, City of, Spokane County .....	530183	October 25, 1973, Emerg; August 1, 1980, Reg; July 6, 2010, Susp.	.....do .....	Do.
Spokane Valley, City of, Spokane County.	530342	N/A, Emerg; April 1, 2004, Reg; July 6, 2010, Susp.	.....do .....	Do.
Spokane County, Unincorporated Areas	530174	May 30, 1975, Emerg; May 17, 1988, Reg; July 6, 2010, Susp.	.....do .....	Do.

\*.....do and Do. = Ditto.  
 Code for reading third column:  
 Emerg.—Emergency; Reg.—Regular;  
 Susp.—Suspension.

Dated: June 16, 2010.  
**Sandra K. Knight**,  
*Deputy Federal Insurance and Mitigation Administrator, Mitigation.*  
 [FR Doc. 2010-15228 Filed 6-22-10; 8:45 am]  
**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 65**

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1129]

**Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

**DATES:** These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

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 Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

**ADDRESSES:** The modified BFEs 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:** Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) *kevin.long@dhs.gov*.

**SUPPLEMENTARY INFORMATION:** The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or 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 BFEs 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 to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, 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 BFEs are in accordance with 44 CFR 65.4.

*National Environmental Policy Act.* This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*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 13132, Federalism.* This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

*Executive Order 12988, Civil Justice Reform.* This interim rule meets the applicable standards of Executive Order 12988.

**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: