

concluded that DEP does not meet the EPCRA section 313(d)(2)(B) listing criterion.

EPA has also preliminarily determined that DEP does not meet the toxicity criterion of EPCRA section 313(d)(2)(C) because it cannot reasonably be anticipated to cause adverse effects on the environment of sufficient seriousness to warrant continued reporting.

Thus, in accordance with EPCRA section 313(d)(3), EPA is proposing to delete DEP from the section 313 list of toxic chemicals.

IV. Request for Public Comment

EPA requests public comment on this proposal to delete DEP from the list of chemicals subject to EPCRA section 313. Comments should be submitted to the address listed under the ADDRESSES unit. All comments must be received by EPA on or before [Insert date 60 days after date of publication in the **Federal Register**].

V. Rulemaking Record

A record has been established for this proposal under docket number "OPPTS-400096" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this proposal, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

VI. References

(1) USEPA, OPPTS. 1995. Chemistry Report on Diethyl Phthalate by Stephen

C. DeVito, Industrial Chemistry Branch, Economics, Exposure, and Technology Division, Office of Pollution Prevention and Toxics. (May 8, 1995).

(2) USEPA, OPPTS. 1995. Economic Analysis of the Proposed Deletion of Diethyl Phthalate from the EPCRA Section 313 List of Toxic Chemicals by Fred Arnold, Regulatory Impacts Branch, Economics, Exposure, and Technology Division, Office of Pollution Prevention and Toxics. (April 5, 1995).

(3) USEPA, OPPTS. 1995. Memorandum from Lorraine M. Randecker, Hazard Integrator, Chemical Screening and Risk Assessment Division, with attachments, re: Petition to Delist Diethyl Phthalate. (April 24, 1995).

(4) USEPA, OPPTS. 1995. Engineering Report for the Proposed Delisting of Diethyl Phthalate from the EPCRA Section 313 List of Toxic Chemicals by Monica Sweet, Chemical Engineering Branch, Economics, Exposure and Technology Division, Office of Pollution Prevention and Toxics. (April 3, 1995).

(5) USEPA, OPPTS. 1995. Memorandum from Andrew Mamantov, Exposure Assessment Branch, Economics, Exposure and Technology Division, Office of Pollution Prevention and Toxics, with attachments, re: Diethyl Phthalate (DEP) Delisting Petition Fate and Exposure Assessment. (June 15, 1995).

VII. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Pursuant to the terms of this Executive Order, it has been determined that this proposed rule is not "significant" and therefore not subject to OMB review.

EPA estimated that the delisting of DEP from the EPCRA section 313 toxic chemical list would result in a total annual cost savings to industry of \$124,200. The cost savings to EPA are estimated at \$3,000.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities would be significantly affected by the proposed rule. Because this proposed rule eliminates an existing requirement, it would result in cost savings to facilities, including small entities.

C. Paperwork Reduction Act

This proposed rule does not have any information collection requirements under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

D. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this regulatory action on State, local, or tribal governments, and the private sector. This action does not result in the expenditure of \$100 million or more by any State, local, or tribal governments, or by anyone in the private sector. The costs associated with this action are described in the Executive Order 12866 unit above.

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: August 27, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 372 be amended to read as follows:

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

§ 372.65 [Amended]

2. Sections 372.65(a) and (b) are amended by removing the entire entry for diethyl phthalate under paragraph (a) and removing the entire CAS No. entry for 86-66-2 under paragraph (b). [FR Doc. 95-21943 Filed 9-1-95; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7149]

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: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW., Washington, DC 20472, (202) 646-2756.

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 Associate Director, Mitigation Directorate, 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 National Flood Insurance Program. 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]

3. 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
Illinois	Aurora (City) Kane and DuPage Counties.	Blackberry Creek	At Jericho Road	*665	*666
			Approximately 0.8 mile upstream of confluence of Blackberry Creek Tributary A.	None	*676
		Blackberry Creek Tributary A.	At confluence with Blackberry Creek	None	*674
			Approximately 0.4 mile upstream of Indian Trail Road.	None	*674
		Blackberry Creek Tributary H.	Approximately 0.7 mile downstream of Prairie Street.	None	*666
			At Galena Boulevard	None	*673

Maps available for inspection at the Planning Department, City Hall, 44 East Downer Place, Aurora, Illinois.
Send comments to The Honorable David Pierce, Mayor of the City of Aurora, 44 East Downer Place, Aurora, Illinois 60507-2067.

Illinois	Kane County (Unincorporated Areas).	Blackberry Creek	At State Route 30	*659	*661
			At downstream side of State Route 38	None	*846
		Blackberry Creek Tributary A.	Approximately 2,450 feet downstream of Indian Trail Road.	*673	*674
			At East-West Tollway	*678	*679
		Blackberry Creek Tributary B.	At confluence with Blackberry Creek	*675	*679

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.6 mile upstream of Seavey Road.	*696	*698
		Blackberry Creek Tributary C.	At confluence with Blackberry Creek	*706	*707
			Approximately 1.7 miles upstream of Seavey Road.	*721	*723
		Blackberry Creek Tributary D.	At confluence with Blackberry Creek	*739	*740
			At Keslinger Road	*807	*810
		Blackberry Creek Tributary E.	At Hankes Road	*678	*680
			Approximately 4,400 feet upstream of Winthrop Drive.	None	*688
		Blackberry Creek Tributary F.	At confluence with Blackberry Creek Tributary B.	*695	*698
			Approximately 210 feet upstream of Main Street.	None	*735
		Blackberry Creek Tributary G.	Approximately 150 feet downstream of State Route 30.	None	*657
			Approximately 1,650 feet downstream of Jericho Road.	*663	*664
		Blackberry Creek Tributary H.	At confluence with Blackberry Creek	*665	*666
			Approximately 2,400 feet upstream of Burlington Northern Railway.	None	*670
		Bowes Creek	At the confluence with Stoney Creek	None	*793
			Approximately 200 feet upstream of Dittman Road.	None	*918
		Bowes Creek Tributary	At the confluence with Bowes Creek	None	*909
			Approximately 200 feet upstream of Dittman Road.	None	*914
		Ferson Creek	At Bolcum Road	*752	*753
			Approximately 75 feet upstream of State Route 64 (North Avenue).	None	*873
		Fitchie Creek	At the confluence with Otter Creek	None	*782
			Approximately 200 feet upstream of Russell Road.	None	*878
		Hampshire Creek	Approximately 1,225 feet downstream of confluence of Hampshire Creek Tributary.	None	*869
			Approximately 1,225 feet upstream of 500 Line Railroad.	None	*966
		Hampshire Creek Tributary	Approximately 345 feet downstream of Field Bridge.	*868	*874
			Approximately 100 feet upstream of Field Bridge.	*873	*874
		Hampshire Creek Tributary 1.	At the confluence with Hampshire Creek .	None	*898
			Approximately 725 feet upstream of Keyes Drive.	None	*904
		Hampshire Creek Tributary 2.	Approximately 100 feet upstream of the confluence with Hampshire Creek.	None	*907
			Approximately 70 feet upstream of Prairie Farm Road.	None	*980
		Hampshire Creek Tributary 3.	At the confluence with Hampshire Creek Tributary No. 2.	None	*963
			Approximately 1,280 feet upstream of confluence with Hampshire Creek Tributary No. 2.	None	*996
		Hampshire Creek Tributary 4.	At the confluence with Hampshire Creek .	None	*965
			Approximately 640 feet upstream of confluence with Hampshire Creek.	None	*967
		Mill Creek	Approximately 0.5 mile downstream of Kaneville Road.	*705	*704
			Approximately 250 feet upstream of State Route 64 (Wasco Road).	None	*823
		Mill Creek Tributary No. 2	At the confluence with Mill Creek Diver-sion Channel.	None	*792

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Approximately 0.4 mile upstream of confluence with Mill Creek Diversion Channel.	None	*793	
		Mill Creek	At the confluence with Mill Creek	None	*784
		Diverson Channel	Approximately 0.9 mile upstream of confluence with Mill Creek.	None	*796
		Otter Creek	At the confluence with Ferson Creek	None	*756
		Otter Creek Tributary	Just downstream of Randall Road	None	*797
			At the confluence with Otter Creek	None	*760
			Approximately 1.1 miles upstream of Falcons Trail.	None	*840
		Stoney Creek	At the confluence with Otter Creek	None	*773
			Approximately 1.0 mile upstream of Crawford Road.	None	*873

Maps available for inspection at the Government Center, 719 Batavia Avenue, Geneva, Illinois.

Send comments to Mr. Warren Kammerer, Jr., Chairman of the Kane County Board of Supervisors, Government Center, 719 Batavia Avenue, Geneva, Illinois 60134

Indiana	La Porte County (unincorporated areas).	Pine Lake	Entire shoreline within county	None	*802
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Maps available for inspection at the La Porte County Complex, 5th Floor, 822 East Lincoln Way, La Porte, Indiana.

Send comments to Mr. Michael Quinn, La Porte County Commissioner, 822 East Lincoln Way, La Porte, Indiana 46350.

Indiana	La Porte (City) La Porte County.	Pine Lake	Entire shoreline within community	None	*802
		Stone Lake	Entire shoreline within community	None	*802
		Lily Lake	Entire shoreline within community	None	*802
		Clear Lake	Entire shoreline within community	None	*802

Maps available for inspection at the City Engineer's Office, La Porte City Hall, 801 Michigan Avenue, La Porte, Indiana.

Send comments to The Honorable Elmo Gonzales, Mayor of the City of La Porte 801 Michigan Avenue, La Porte, Indiana 46350.

Maine	Starks (Town)	Kennebec River	At the confluence of Sandy River	None	*193
	Somerset County ..		Approximately 1.7 miles upstream of the confluence of Sandy River (upstream corporate limits)	None	*201
		Sandy River	At the confluence with Kennebec River ...	None	*193
			Approximately 2.5 miles upstream of Sandy River Dam.	None	*202
				None

Maps available for inspection at the Starks Town Hall, R.R.1 Box 241, Starks, Maine.

Send comments to Ms. Anita Reichenbach, First Selectman for the Town of Starks, R.R.1 Box 241, Starks, Maine 04911.

Mississippi	Columbus (City) Lowndes County.	Moore Creek	Approximately 900 feet upstream of Willowbrook Road.	*176	*177
			At the upstream corporate limits of the City of Columbus.	*176	*180

Maps available for inspection at the City Hall, 523 Main Street, Columbus, Mississippi.

Send comments to The Honorable Jimmy Fannon, Mayor of the City of Columbus, P.O. Box 1408, Columbus, Mississippi 39703.

Mississippi	Lowndes County ... (Unincorporated Areas).	Moore Creek	At Columbus and Greenville Railway	*182	*181
			Approximately 250 feet upstream of Columbus and Greenville Railway.	*182	*181
		Ellis Creek Tributary	Approximately 3,400 feet upstream of the confluence with Ellis Creek.	*187	*188
			At Hildreth Road	*211	*206

Maps available for inspection at the Lowndes County Inspection Department, 17 Airline Road, Columbus, Mississippi.

Send comments to Mr. Johnny MacCrary, President of Lowndes County Board of Supervisors, P.O. Box 1364, Columbus, Mississippi 39703.

North Carolina	Asheville (City) Buncombe County.	Bull Creek	At confluence with Swannanoa River	None	*2108
	xl	At Bull Creek Road	None	*2289	
		Beaverdam Creek	Approximately 500 feet downstream of Elkwood Avenue.	*2055	*2056

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Sweeten Creek	At Governors Drive At confluence with Swannanoa River Approximately 900 feet upstream of Rock Hill Road.	None *1999 None	*2259 *1998 *2192
		Tributary No. 3 to Sweeten Creek.	At confluence with Sweeten Creek	None	*2018
		Ross Creek	At Taft Street At confluence with Swannanoa River	None *2001	*2136 *2002
		Haw Creek	At Howland Road Approximately 0.1 mile upstream of confluence with Swannanoa River.	*2333 *2007	*2345 *2008
		Smith Mill Creek	At Mann Drive Approximately 685 feet upstream of Southern Railway.	*1980	*1981
		Swannanoa River	Approximately 0.2 mile downstream of Johnston School Road. Approximately 1,425 feet downstream of U.S. 25 Viaduct.	*2161 *1991	*2162 *1992
		Tributary No. 1 to Sweeten Creek.	At U.S. Highway 70 At confluence with Sweeten Creek	*2059 *2085	*2060 *2082
		Hominy Creek	Approximately 105 feet upstream of the confluence with Sweeten Creek. At 0.29 mile upstream of Sand Hill Road .	*2085 *2055	*2082 *2056
		Moore Creek	Approximately 0.75 mile upstream of Sand Hill Road. Approximately 53 feet upstream of State Route 1241. Approximately 550 feet upstream of Interstate 40.	*2057 *2062 *2131	*2058 *2061 *2129

Maps available for inspection at the Planning Department, 70 Court Plaza, Asheville, North Carolina.

Send comments to The Honorable Russell M. Martin, Mayor of the City of Asheville, P.O. Box 7149, Asheville, North Carolina 28802-7148

North Carolina	Black Mountain (Town). Buncombe County .	Flat Creek	At confluence with Swannanoa River	*2359	*2358
		Swannanoa River	At downstream side of Cotton Avenue Approximately 200 feet upstream of confluence with North Fork Swannanoa River. Approximately 1,003 feet downstream of Old Toll Circle.	*2404 *2231 *2399	*2403 *2233 *2398

Maps available for inspection at the Building Inspector's Office, 106 Montreat Road, Black Mountain, North Carolina.

Send comments to The Honorable Carl Bartlett, Mayor of the Town of Black Mountain, 102 Montreat Road, Black Mountain, North Carolina 28711.

North Carolina	Buncombe County (Unincorporated Areas).	Tributary to Beaverdam Creek.	At Hillcrest Road	None	*2098
		Hominy Creek	Approximately 800 feet upstream of Hillcrest Road. At Interstate Route 40	None *2020	*2107 *2021
		Smith Mill Creek	At Luther Road At Johnston School Road	None None	*2178 *2165
		Newfound Creek	Approximately 0.44 mile upstream of Johnston School Road. Approximately 1.0 mile downstream of State Road 63 (Leicester Highway).	None	*2205 *1968
		Moore Creek	At Morgan Branch Road (State Route 1220). Approximately 0.46 mile (2,428 feet) downstream of Interstate 40.	None *2083	*2155 *2084
		Swannanoa River	At Monte Vista Road (State Route 1224) . At U.S. Highway 70	*2200 *2059	*2202 *2060

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Bull Creek	Approximately 0.8 mile upstream of County Road. Approximately 150 feet upstream of confluence with Swannanoa River.	*2516 None	*2519 *2108
		McKinnish Branch	At Bull Creek Road Upstream side of Cove Road	None None	*2289 *2158
		Pole Creek	Approximately 370 feet upstream of Cove Road. At confluence with Hominy Creek	None *2085	*2165 *2086
			Approximately 330 feet downstream of U.S. Routes 19 and 23.	*2085	*2086

Maps available for inspection at the Office of Emergency Management Services, 60 Courthouse Plaza, Asheville, North Carolina. Send comments to Mr. Bill McElrath, Buncombe County Manager, 1 Oak Plaza, Asheville, North Carolina 28801.

North Carolina	Woodfin (Town) Buncombe County.	Beaverdam Creek	At confluence with French Broad River ... Just downstream of U.S. Highway 19 and 23.	*1942 *2041	*1941 *2040
		Tributary to Beaverdam Creek.	At confluence with Beaverdam Creek At Hillcrest Road	*2048 *2095	*2049 *2098

Maps available for inspection at the Town Administrator's Office, 90 Elk Mountain Road, Woodfin, North Carolina. Send comments to The Honorable Steven R. Henderson, Mayor of the Town of Woodfin, 90 Elk Mountain Road, Woodfin, North Carolina 28804.

Ohio	Fairfield County (Unincorporated Areas).	Raccoon Run	At the upstream face of State Route 664 . Approximately 400 feet upstream of Zion Road.	*792 *807	*791 *806
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Maps available for inspection at the Regional Planning Office, Fairfield County Courthouse, 210 East Main Street, Lancaster, Ohio. Send comments to Ms. Judith K. Shupe, President of the Fairfield County Board of Commissioners, Fairfield County Courthouse, 210 East Main Street, Room 301, Lancaster, Ohio 43130.

Ohio	Kenton (City) Har-din County.	Scioto River	At County Road 175 At a point approximately 0.56 mile up-stream of Leighton Street.	*None *None	*959 *966
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Maps available for inspection at the Kenton City Hall, 111 West Franklin Street, Kenton, Ohio. Send comments to The Honorable Clay Flinn, Mayor of the City of Kenton, 111 West Franklin Street, Kenton, Ohio 43326.

Pennsylvania	German (Township) Fayette County.	Monongahela River	At confluence of Antram Run At upstream corporate limits	*790 *None	*789 *2798
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Maps available for inspection at the German Township Building, R.D. #1, Box 287, McClellandtown, Pennsylvania. Send comments to Mr. Vincent Serra, Secretary of the German Township Board of Supervisors, R.D. #1, Box 287, McClellandtown, Pennsylvania 15458.

Pennsylvania	Smithfield (Town-ship) Huntingdon County.	Juniata River	Approximately 2,650 feet above con-fluence of Raystown Branch Juniata River. Upstream corporate limits	*614 *642	*608 *639
		Crooked Creek	At confluence with Juniata River Approximately 0.71 mile upstream of con-fluence with Juniata River.	*620 *620	*619 *619

Maps available for inspection at the Smithfield Township Building, 13th and Mt. Vernon Avenue, Huntingdon, Pennsylvania. Send comments to Mr. Robert Kepner, Chairman of the Smithfield Township Board of Supervisors, Smithfield Township Building, 13th and Mt. Vernon Avenue, Huntingdon, Pennsylvania 16652.

Puerto Rico	Commonwealth	Espiritu Santo River	Approximately 0.65 kilometer upstream of the confluence with the Atlantic Ocean. Approximately 4.61 kilometers upstream of the confluence with the Atlantic Ocean.	*2.1 *2.8	*2.2 *6.9
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State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Rio Guanajibo	Approximately 1,200 meters downstream of Puerto Rico Highway 2. Approximately 920 meters downstream of Puerto Rico Highway 368.	*80.1 *None	*80.0 *100.8

/*Elevation in meters (Mean Sea Level)

Maps available for inspection at the North Minillas Building, Dediezo Avenue, 22 Top, Santurce, Puerto Rico.

Send comments to Ms. Norma N. Burgos, Chairwoman of the Puerto Rico Planning Board, Minillas Station, P.O. Box 41119, San Juan, Puerto Rico 00940-1119.

Virginia	Smyth County (Unincorporated Areas).	Middle Fork Holston River	North of Interstate 81 and southwest of the Town of Chilhowie corporate limits.	*None	*1944
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Maps available for inspection at the Smyth County Courthouse, Building Inspector's Department, 109 West Main, Marion, Virginia.

Send comments to Mr. Rhea B. Lawrence, Smyth County Board of Supervisors, P.O. Box 188, Marion, Virginia 24354.

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

Dated: August 28, 1995.

Richard T. Moore,

Associate Director for Mitigation.

[FR Doc. 95-21921 Filed 9-1-95; 8:45 am]

BILLING CODE 6718-03-P

44 CFR Part 67

[Docket No. FEMA-7153]

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: Michael K. Buckley, P.E., Chief, Hazard

Identification Branch, Mitigation Directorate, 500 C Street, SW, Washington, DC 20472, (202) 646-2756.

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, Mitigation Directorate, 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: