

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

*H. 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 March 12, 1999. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

**Note:** Incorporation by reference of the State Implementation Plan for the State of California was approved by the director of the **Federal Register** on July 1, 1982.

Dated: December 14, 1998.

**Lauren Yoshii,**

*Acting Regional Administrator, Region IX.*

Part 52, Chapter I, Title 40 of the 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 F—California**

2. Section 52.220 is amended by adding paragraphs (c) (6)(xv)(A) and (254)(i)(H)(I) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(6) \* \* \*

(xv) San Bernardino County Air Pollution Control District.

(A) Previously approved on December 21, 1975 and now deleted without replacement Rule 68.

\* \* \* \* \*

(254) \* \* \*

(i) \* \* \*

(H) Mojave Desert Air Quality Management District.

(I) Rules 474, 475, and 476 adopted on August 25, 1997.

\* \* \* \* \*

[FR Doc. 99-80 Filed 1-8-99; 8:45 am]

BILLING CODE 6560-50-U

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 65**

[Docket No. FEMA-7277]

**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.
Florida:					
Orange .....	City of Apopka .....	November 20, 1998, November 27, 1998, <i>Orlando Sentinel</i> .	Mr. Jay Davoll, P.E., City of Apopka, Community Development Department, P.O. Box 1229, Apopka, Florida 32704-1229.	February 25, 1999	120180 C
Orange .....	Unincorporated Areas.	November 20, 1998, November 27, 1998, <i>Orlando Sentinel</i> .	Dr. M. Krishnamurthy, P.E., Manager, Orange County Public Works Division, Stormwater Management Division, 4200 South John Young Parkway, Orlando, Florida 32839-9205.	February 25, 1999	120179 B
Georgia: Cobb .....	City of Marietta ....	December 11, 1998, December 18, 1998, <i>Marietta Daily Journal</i> .	The Honorable Ansley Meaders, Mayor of the City of Marietta, P.O. Box 609, Marietta, Georgia 30061.	March 18, 1999 ....	130226 F
Illinois:					
Cook .....	Village of Rosemont.	November 25, 1998, December 2, 1998, <i>Franklin Park Herald Journal</i> .	The Honorable Donald E. Stephens, Mayor of the Village of Rosemont, 9501 West Devon Avenue, Rosemont, Illinois 60018.	November 16, 1998.	170156 C
DuPage .....	Village of Bensenville.	December 11, 1998, December 18, 1998, <i>Bensenville Press</i> .	Mr. John C. Gels, Bensenville Village President, Village Hall 700 West Irving Park Road, Bensenville, Illinois 60106.	March 18, 1999 ....	170200 C
Indiana: Marion .....	City of Indianapolis.	November 17, 1998, November 24, 1998, <i>Indianapolis Star</i> .	The Honorable Stephen Goldsmith, Mayor of the City of Indianapolis, 200 East Washington Street, City-County Building, Suite 2501, Indianapolis, Indiana 46204-3357.	February 22, 1999	180159 D
Maryland: Allegany	Unincorporated Areas.	December 16, 1998, December 23, 1998, <i>The Cumberland Times-News</i> .	Mr. Bernard L. Loar, President, Allegany County Board of Commissioners, 701 Kelly Road, Suite 405, Cumberland, Maryland 21502-3401.	March 23, 1999 ....	240001 A
Michigan: Macomb	City of Sterling Heights.	December 13, 1998, December 20, 1998, <i>The Source</i> .	The Honorable Richard Notte, Mayor of the City of Sterling Heights, 40555 Utica Road, P.O. Box 8009, Sterling Heights, Michigan 48311-8009.	December 2, 1998	260128 E
Ohio:					
Clark .....	Village of Enon ....	November 18, 1998, November 25, 1998, <i>Springfield News-Sun</i> .	The Honorable Jerry C. Crane, Mayor of the Village of Enon, P.O. Box 232, Enon, Ohio 45323.	February 13, 1999	390795 C
Fairfield and Franklin.	City of Columbus	November 27, 1998, December 4, 1998, <i>The Columbus Dispatch</i> .	The Honorable Gregory S. Lashutka, Mayor of the City of Columbus, City Hall, 90 West Broad Street, Columbus, Ohio 43215.	March 4, 1999 .....	390170 G
Franklin .....	Unincorporated Areas.	November 27, 1998, December 4, 1998, <i>The Columbus Dispatch</i> .	Ms. Arlene Shoemaker, President of the Franklin County, Board of Commissioners, 373 South High Street, Columbus, Ohio 43215.	March 4, 1999 .....	390167 G

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

Dated: January 4, 1999.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

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

**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.

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>ALABAMA</b>	
<b>Decatur (City), Morgan County (FEMA Docket No. 7259)</b>	
<i>Blue Hole Branch:</i>	
Approximately 400 feet downstream of Tomahawk Drive .....	*569
Approximately 1,400 feet upstream of Tomahawk Drive .....	*572
<i>Brush Creek:</i>	
Approximately 1.27 miles above confluence with Flint Creek .....	*561
Approximately 960 feet upstream of Royal Drive .....	*567
<i>Clark Spring Branch:</i>	
At the confluence with Brush Creek .....	*566
Approximately 1,450 feet upstream of Montrose Drive SW .....	*627
<i>Bakers Creek:</i>	
At confluence with Tennessee River .....	*558
Approximately .27 mile downstream of West Morgan Road .....	*617
<i>Tributary to Bakers Creek:</i>	
Approximately 900 feet upstream of confluence with Bakers Creek .....	*598
Approximately 1,460 feet upstream of Gaslight Place ...	*609
<i>Dry Branch:</i>	
At upstream side of U.S. Highway 22 .....	*559
Approximately 900 feet upstream of Runnymede Avenue SW .....	*605
<i>Black Branch:</i>	
At the confluence with the Tennessee River .....	*561
Approximately 950 feet upstream of Regency Boulevard .....	*567
<i>Betty Rye Branch:</i>	
At confluence with Tennessee River .....	*559
Approximately 150 feet upstream of Bedford Drive SW .....	*609
<i>Tennessee River:</i>	
Approximately 4.5 miles downstream of confluence of Bakers Creek .....	*557
Approximately 200 feet upstream of Interstate Route 65 .....	*562