

“meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implication.” “Policies that have federalism implication” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of governments.”

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This treatment variance does not create any new regulatory requirements. Rather, it establishes an alternative treatment standard for a regulated constituent at the specific facility. Thus, Executive Order 13132 does not apply to this rule.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. section 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. Section 804 exempts from section 801 the following types of rules (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today’s action under section 801 because this is a rule of particular applicability.

List of Subjects in 40 CFR Part 268

Environmental protection, Hazardous waste, Reporting and recordkeeping requirements.

Dated: June, 14, 2001.

Michael Shapiro,

Acting Assistant Administrator for Solid Waste and Emergency Response.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 268—LAND DISPOSAL RESTRICTIONS

1. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

2. In § 268.44, the table in paragraph (o) is amended by adding in alphabetical order a new entry for “Dupont Environmental Treatment—Chambers Works Wastewater, Deepwater, NJ” and adding a new footnote 8 to read as follows:

§ 268.44 Variance from a treatment standard.

* * * * *
(o) * * *

TABLE—WASTES EXCLUDED FROM THE TREATMENT STANDARDS UNDER § 268.40

Facility name ¹ and address	Waste code	See also	Regulated hazardous constituent	Wastewaters		Nonwastewaters	
				Concentration (mg/L)	Notes	Concentration (mg/kg)	Notes
Dupont Environmental Treatment—Chambers Works Wastewater Treatment Plant, Deepwater, NJ ⁸ .	K088	Standards under § 268.40.	Arsenic	1.4	NA	5.0 mg/L TCLP	NA

¹ A facility may certify compliance with these treatment standards according to provisions in 40 CFR 268.7.

⁸ Dupont Environmental Treatment—Chambers Works must dispose of this waste in their on-site Subtitle C hazardous waste landfill.
Note: NA means Not Applicable.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–B–7415]

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 (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 Map(s) 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 Acting Administrator, Federal Insurance Administration and Mitigation reconsider the changes. The modified elevations 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 following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.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 base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based on 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 BFEs 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 (NFIP).

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 BFEs 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 Acting Administrator, Federal Insurance Administration and Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. 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 number
Alaska: Unorganized Borough.	Municipality of Anchorage.	April 6, 2001, April 13, 2001, <i>Anchorage Daily News</i> .	The Honorable George P. Wuerch, Mayor, Municipality of Anchorage, P.O. Box 196650, Anchorage, Alaska 99519-6650.	March 14, 2001	020005
Arkansas: Faulkner	City of Conway	April 5, 2001, April 13, 2001, <i>Log Cabin Democrat</i> .	The Honorable Tab Townsell, Mayor, City of Conway, City Hall, 1201 Oak Street, Conway, Arkansas 72032.	March 13, 2001	050078
Faulkner	Unincorporated Areas.	April 5, 2001, April 13, 2001, <i>Log Cabin Democrat</i> .	The Honorable John Wayne Carter, Faulkner County Judge, Faulkner County Court House, 801 Locust Avenue, Conway, Arkansas 72032.	March 13, 2001	050431
Arizona: Maricopa	City of Scottsdale	April 6, 2001, April 13, 2001, <i>Arizona Republic</i> .	The Honorable Mary Manross, Mayor, City of Scottsdale, 3939 North Drinkwater Boulevard, Scottsdale, Arizona 85251.	March 13, 2001	045012
Maricopa	City of Tucson	March 23, 2001, March 30, 2001, <i>Tucson Citizen</i> .	The Honorable Robert Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726.	March 5, 2001	040076
Maricopa	Unincorporated Areas.	April 6, 2001, April 13, 2001, <i>Arizona Republic</i> .	The Honorable Janice K. Brewer, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	July 5, 2001	040037
California: Los Angeles ..	City of Los Angeles.	March 30, 2001, April 6, 2001, <i>Metropolitan News-Enterprise</i> .	The Honorable Richard Riordan, Mayor, City of Los Angeles, 200 North Main Street, Room 800, Los Angeles, California 90012.	March 6, 2001	060137
Los Angeles ..	Unincorporated Areas.	March 30, 2001, April 6, 2001, <i>Whittier Daily News</i> .	The Honorable Michael Antonovich, Chairperson, Los Angeles County Board of Supervisors, 500 West Temple Street, Suite 869, Los Angeles, California 90012.	March 9, 2001	065043

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
San Diego	City of El Cajon	May 17, 2001, May 24, 2001, <i>East County Californian</i> .	The Honorable Mark Lewis, Mayor, City of El Cajon, 200 East Main Street, El Cajon, California 92020.	April 27, 2001	060289
San Diego	Unincorporated Areas.	May 17, 2001, May 24, 2001, <i>San Diego Union Tribune</i> .	The Honorable Bill Horn, Chairman, San Diego County Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, California 92101.	April 27, 2001	060284
Santa Clara ...	City of Santa Clara	April 11, 2001, April 18, 2001, <i>Santa Clara Weekly</i> .	The Honorable Judy Nadler, Mayor, City of Santa Clara, City Hall, 1500 Warburton Avenue, Santa Clara, California 95050.	July 17, 2001	060350
Santa Clara ...	City of Milpitas	May 31, 2001, June 7, 2001, <i>Milpitas Post</i> .	The Honorable Henry Manayan, Mayor, City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California 95035.	May 15, 2001	060344
Colorado: Boulder and Jefferson.	City of Broomfield	May 30, 2001, June 6, 2001, <i>Broomfield Enterprise</i> .	The Honorable William Berens, Mayor, City of Broomfield, One DesCombes Drive, Broomfield, Colorado 80020.	September 4, 2001.	085073
Montana: Butte-Silver.	Unincorporated Areas Bow County.	March 23, 2001, March 30, 2001, <i>Montana Standard</i> .	The Honorable Judy Jacobsen, Chief Executive Officer, Butte-Silver Bow County Courthouse, Room 106, 155 West Granite Street, Butte, Montana 59701.	March 1, 2001	300077
Nevada:					
Clark	City of North Las Vegas.	May 18, 2001, May 25, 2001, <i>Las Vegas Review Journal</i> .	The Honorable Michael L. Montandon, Mayor, City of North Las Vegas, P.O. Box 4086, North Las Vegas, Nevada 89030-4086.	April 27, 2001	320007
Nye	Unincorporated Areas.	April 26, 2001, May 3, 2001, <i>Tonopah Times</i> .	The Honorable Jeff Taguchi, Chairman, Nye County Board of Commissioners, P.O. Box 153, Tonopah, Nevada 89049.	April 5, 2001	320018
Texas:					
Angelina	City of Lufkin	March 30, 2001, April 6, 2001, <i>Lufkin Daily News</i> .	The Honorable Louis A. Bronaugh, Mayor, City of Lufkin, 300 East Shepherd, Lufkin, Texas 75902.	June 28, 2001	480009
Collin	City of Murphy	August 16, 2000, August 23, 2000, <i>Wylie News</i> .	The Honorable Roy W. Bente, Mayor, City of Murphy, 205 North Murphy Road, Murphy, Texas 75094.	July 25, 2000	480137
Fort Bend	City of Stafford	April 18, 2001, April 25, 2001, <i>Fort Bend Star</i> .	The Honorable Leonard Scarcella, Mayor, City of Stafford, City Hall, 2610 South Main Street, Stafford, Texas 77477.	March 23, 2001	480233
Wyoming: Teton ...	Town of Jackson ..	October 25, 2000, November 1, 2000, <i>Jackson Hole News</i> .	The Honorable Barney Oldfield, Mayor, Town of Jackson, P.O. Box 1687, Jackson, Wyoming 83001.	January 30, 2001	560052
Virginia:					
Rockingham ..	City of Harrisonburg.	April 12, 2001, April 19, 2001, <i>Daily News Record</i> .	The Honorable Carolyn W. Frank, Mayor, City of Harrisonburg, 374 South Carlton Street, Harrisonburg, Virginia 22801.	March 28, 2001	510076
Rockingham ..	Unincorporated Areas.	April 12, 2001, April 19, 2001, <i>Daily News Record</i> .	The Honorable Pablo Cuevas, Chairman, Rockingham County Board of Supervisors, 543 Elm Street, Broadway, Virginia 22815.	March 28, 2001	510133

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

Dated: June 18, 2001.

Robert F. Shea,

Acting Administrator, Federal Insurance Administration and Mitigation.

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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 (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs 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