

“major” rule as defined by 5 U.S.C. 804(2).

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

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (“NTTAA”), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

#### 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 September 13, 2002. 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, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 23, 2002.

**Robert W. Varney,**

*Regional Administrator, EPA New England.*

Title 40, chapter I, of the Code of Federal Regulations is amended as follows:

#### PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

#### Subpart E—Approval of State Programs and Delegation of Federal Authorities

2. Section 63.99 is amended by adding paragraph (a)(19) to read as follows:

##### § 63.99 Delegated Federal authorities.

(a) \* \* \*

(19) Maine.

(i) [Reserved]

(ii) Maine Department of Environmental Protection (ME DEP) may implement and enforce alternative requirements in the form of title V permit terms and conditions for Lincoln Pulp and Paper, located in Lincoln, Maine, for subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry. This action is contingent upon ME DEP including, in title V permits, terms and conditions that are no less stringent than the federal standard and have been approved by EPA. In addition, the requirement applicable to the source remains the federal section 112 requirement until EPA has approved the alternative permit terms and conditions and the final title V permit is issued.

\* \* \* \* \*

[FR Doc. 02–17698 Filed 7–12–02; 8:45 am]

**BILLING CODE 6560–50–U**

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 65

[Docket No. FEMA–D–7525]

#### 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 change) 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 Acting Administrator reconsiders 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, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) [matt.miller@fema.gov](mailto: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 (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 flood-plain 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 Acting Administrator, Federal Insurance and Mitigation Administration, 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:					
Lee .....	City of Auburn .....	May 28, 2002, June 4, 2002, <i>Opelika-Auburn News</i> .	The Honorable Bill Ham, Jr, Mayor of the City of Auburn, 144 Tichenor Avenue, Auburn, Alabama 36830.	May 20, 2002 .....	010144 E
Jefferson .....	Unincorporated Areas.	May 17, 2002, May 22, 2002, <i>The Birmingham News</i> .	Mr. Gary White, President of the Jefferson County Commission, Courthouse, Room 680A, 716 Richard Arrington Jr. Boulevard North, Birmingham, Alabama 35203.	Aug. 21, 2002 .....	010217 E
Mobile .....	Unincorporated Areas.	Apr. 17, 2002, Apr. 24, 2002, <i>Mobile Register</i> .	Mr. Joe W. Ruffer, Director of Public Works, Mobile Government Plaza, 205 Government Street, Mobile, Alabama 36604-1600.	Apr. 10, 2002 .....	015008 J
Arizona: Maricopa	City of Tempe .....	May 1, 2002, May 8, 2002, <i>Arizona Republic</i> .	The Honorable Neil G. Giuliano, Mayor of the City of Tempe, P.O. Box 5002, Tempe, Arizona 85280.	Aug. 6, 2002 .....	040054 G&F
Connecticut:					
Hartford .....	Town of Berlin .....	Apr. 26, 2002, May 3, 2002, <i>The Herald</i> .	Ms. Bonnie Therrien, Manager of the Town of Berlin, Town Hall, 240 Kensington Road, Berlin, Connecticut 06037.	Apr. 15, 2002 .....	090022 D
Fairfield .....	City of Stamford ...	May 10, 2002, May 17, 2002, <i>The Stamford Advocate</i> .	The Honorable Dannel P. Malloy, Mayor of the City of Stamford, 888 Washington Boulevard, 10th Floor Government Center, Stamford, Connecticut 06904.	Apr. 23, 2002 .....	090015 C&D
Florida					
Volusia .....	City of Ormond Beach.	Mar. 27, 2002, Apr. 3, 2002, <i>News-Journal</i> .	The Honorable Carl Persis, Mayor of the City of Ormond Beach, P.O. Box 277, Ormond Beach, Florida 32175-0277.	Apr. 16, 2002 .....	125136 G
Osceola .....	Unincorporated Areas.	Feb. 8, 2002, Feb. 15, 2002, <i>Osceola Sentinel</i> .	Mr. Robert Fernandez, Osceola County Manager, 1 Courthouse Square, Suite 4700, Kissimmee, Florida 34741-5488.	Dec. 7, 2001 .....	120189 F
Polk .....	Unincorporated Areas.	May 21, 2002, May 28, 2002, <i>The Ledger</i> .	Mr. Kim W. Keene, Polk County Manager, 330 West Church Street, P.O. Box 9005, Drawer CA01, Bartow, Florida 33831-9005.	May 14, 2002 .....	120261 F
Georgia: Fulton ...	City of Alpharetta	Mar. 28, 2002, Apr. 4, 2002, <i>The Revue &amp; News</i> .	The Honorable Charles E. Martin, Mayor of the City of Alpharetta, City Hall, Two South Main Street, Alpharetta, Georgia 30004.	Mar. 21, 2002 .....	130084 D
North Carolina:					
Wake .....	Town of Cary .....	Apr. 23, 2002, Apr. 30, 2002, <i>The News and Observer</i> .	The Honorable Glenn Lang, Mayor of the Town of Cary, P.O. Box 8005, Cary, North Carolina 27512.	July 30, 2002 .....	370238 D
Durham .....	City of Durham .....	June 4, 2002, June 11, 2002, <i>The Herald-Sun</i> .	The Honorable William V. Bell, Mayor of the City of Durham, 101 City Hall Plaza, Durham, North Carolina 27701.	Sept. 10, 2002 .....	370086 G

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Durham .....	Unincorporated Areas.	June 4, 2002, June 11, 2002, <i>The Herald-Sun</i> .	Mr. Michael M. Ruffin, Durham County Manager, 200 East Main Street, 2nd Floor, Durham, North Carolina 27701.	Sept. 10, 2002 .....	370085 G
Lee .....	City of Sanford ....	Apr. 18, 2002, Apr. 25, 2002, <i>Sanford Herald</i> .	The Honorable Winston C. Hestor, Mayor of the City of Sanford, P.O. Box 3729, Sanford, North Carolina 27331-3729.	July 25, 2002 .....	370143 B
Pennsylvania: Montgomery.	Borough of Emsworth.	May 29, 2002, June 5, 2002, <i>The Citizen</i> .	The Honorable Keith Johnston, Mayor of the Borough of Emsworth, 171 Center Avenue, Pittsburgh, Pennsylvania 15202.	Sept. 4, 2002 .....	420034 D
Puerto Rico .....	Commonwealth ....	May 31, 2002, June 7, 2002, <i>The San Juan Star</i> .	The Honorable Sila Maria Calderon, Governor of the Commonwealth of Puerto Rico, Office of the Governor, P.O. Box 9020082, San Juan, Puerto Rico 00901.	Sept. 6, 2002 .....	720000 E
South Carolina: Lexington.	Unincorporated Areas.	Apr. 19, 2002, Apr. 26, 2002, <i>The State</i> .	Mr. Bill Banning, Council Chairman, 212 South Lake Drive, Lexington, South Carolina 29072.	July 26, 2002 .....	450129 G
Tennessee: Davidson .....	Metropolitan Government of Nashville.	Feb. 8, 2002, Feb. 15, 2002, <i>The Tennessean</i> .	The Honorable Bill Purcell, Mayor of the Metropolitan Government of Nashville and Davidson County, 107 Metropolitan Courthouse, Nashville, Tennessee 37201.	May 17, 2002 .....	470040 F
Davidson .....	City of Oak Hill ....	Feb. 8, 2002, Feb. 15, 2002, <i>The Tennessean</i> .	The Honorable Warren Wilkerson, Mayor of the City of Oak Hill, 5548 Franklin Road, Suite 102, Nashville, Tennessee 37220.	May 17, 2002 .....	470351 F
Virginia: Augusta .....	Unincorporated Areas.	May 28, 2002, June 4, 2002 <i>The Daily News Record</i> .	Mr. Patrick J. Coffield, Augusta County Administrator, P.O. Box 590, Verona, Virginia 24482-0590.	Sept. 3, 2002 .....	510013 B
Loudoun .....	Town of Leesburg	May 15, 2002, May 22, 2002, <i>Loudoun Times Mirror</i> .	The Honorable B.J. Webb, Mayor of the Town of Leesburg, 25 West Market Street, P.O. Box 88, Leesburg, Virginia 20178.	Aug. 21, 2002 .....	510091 D
Loudoun .....	Unincorporated Areas.	May 15, 2002, May 22, 2002, <i>Loudoun Times Mirror</i> .	Mr. Kirby Bowers, Loudoun County Administrator, 1 Harrison Street, SE., 5th Floor, P.O. Box 7000, Leesburg, Virginia 20177-7000.	Aug. 21, 2002 .....	510090 D
Loudoun .....	Unincorporated Areas.	May 22, 2002, May 29, 2002, <i>Loudoun Times Mirror</i> .	Mr. Kirby Bowers, Loudoun County Administrator, 1 Harrison Street, SE., 5th Floor, P.O. Box 7000, Leesburg, Virginia 20177-7000.	May 6, 2002 .....	510090 D

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

Dated: July 2, 2002.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 572**

[Docket No. NHTSA-2000-6940]

RIN 2127-AI01

**Anthropomorphic Test Devices; Hybrid III 5th Percentile Female Test Dummy, Alpha Version; Final Rule; Response to Petitions for Reconsideration**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Final rule; response to petitions for reconsideration.

**SUMMARY:** This document responds to petitions for reconsideration of the final rule that adopted design and performance specifications for a new dummy whose height and weight are representative of a fifth percentile female adult. That final rule was published on March 1, 2000. Adopting the dummy was the first step toward using the dummy to evaluate the safety of air bags for small-statured adults and teenagers. The petitions are granted in part and denied in part. The agency also discovered several minor discrepancies in the drawings package and is correcting those errors in this document.

**DATES:** The amendments made in this final rule are effective September 13, 2002. If you wish to submit a petition for reconsideration for this rule, your