

25.24(b)(12) and (d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Approval of this supplement is an administrative action that did not require the generation of new effectiveness or safety data in support of the waiver. Therefore, a freedom of information summary is not required for this action.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.630 by adding new paragraph (d) to read as follows:

§ 558.630 Tylosin and sulfamethazine.

(d) *Special considerations.* Finished feeds conforming to the requirements of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

Effective date. May 28, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 20, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-14596 Filed 5-27-82; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL-2111-7]

Approval and Promulgation of State Implementation Plans; Utah Nonattainment SIP

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve revisions to the Utah State Implementation Plan (SIP) which were submitted by the State on April 8, 1981. On January 28, 1982 (47 FR 4096), EPA proposed to approve the revisions and requested public comment. No comments were received. The revisions approved here include emission limits for Group II sources of volatile organic compounds, new limits on fugitive emissions of particulates, new or revised emission limits for several stationary sources, and a clarification to the compliance testing requirements.

DATES: This action will be effective May 28, 1982.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency,
Region VIII, Air Programs Branch,
1860 Lincoln Street, Denver, Colorado
80295

Environmental Protection Agency,
Public Information Reference Unit,
Waterside Mall, 401 M Street SW.,
Washington, D.C. 20460

The Office of the Federal Register, 1100
L Street NW., Room 8401,
Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT:

David S. Kircher, Air Programs Branch,
Environmental Protection Agency, 1860
Lincoln Street, Denver, Colorado 80295,
(303) 837-3711.

SUPPLEMENTARY INFORMATION: On April 8, 1981, the Governor of Utah submitted to EPA a revision to the State Implementation Plan (SIP). This revision was divided into three parts for review and approval. First, emission limits in Utah Regulation 3.2.1 were revised for a number of stationary sources of particulates. The revisions for all but three of those sources were given expedited review and were approved on December 21, 1981 (46 FR 61859). Second, the revision included an amended Inspection/Maintenance work schedule for Salt Lake County. This portion was proposed for approval on May 5, 1981 (46 FR 25110).

Finally, the remainder of the SIP revision has been reviewed for consistency with Clean Air Act requirements and EPA criteria for approval of SIP Revisions. See 44 FR 20372 (1979), 44 FR 38583 (1979), 44 FR 53761 (1979), and 44 FR 50371 (1979). These remaining portions of the SIP Revision were proposed for approval on January 28, 1982 (47 FR 4096). No comments were received. The issues

included in that revision are briefly described below:

Stationary Source Limits

Minor changes were made to the emission limitations applicable to Pacific States Cast Iron and Pipe Company, Gibbons and Reed Asphalt Plant, and Interpace Corporation. The changes are minor and will result in improvements in air quality.

Fugitive Emission Limits

Section 4.5 of the Utah Regulations was revised to control sources of fugitive dust and fugitive emissions, including mining operations, construction, roadways, and tailings. This regulation will result in reduced emissions of particulates in both attainment areas and nonattainment areas.

Volatile Organic Compounds

Section 4.9 of the regulations was amended to provide new limits on volatile organic compounds including the new Group II requirements. Specifically, the following provisions were added or revised:

Regulations	Source Category
4.9.1.c.....	Petroleum Liquid Storage.
4.9.2.....	Petroleum Liquid Transfer.
4.9.3.f.....	Refinery Equipment Leaks.
4.9.6.....	Operations for paper coating, fabric coating, metal furniture coating, large appliance surface coating, magnet wire coating, flatwood coating, miscellaneous metal parts coating, and graphic arts.
4.9.7.....	Synthesized pharmaceutical manufacturing.
4.9.8.....	Perchloroethylene dry cleaning plants.

The State notified EPA that there are no plants in Utah that manufacture pneumatic rubber tires.

While the regulations are generally acceptable, regulations 4.9.1.c, 4.9.3.f, and 4.9.6.h (graphic arts) contain minor inconsistencies with EPA's control technique documents which the State clarified during the public comment period. Details concerning these minor inconsistencies are included in EPA's evaluation report and a February 4, 1982, memorandum from the State to EPA. These minor inconsistencies do not affect approvability of the SIP revision.

Compliance Testing

Section 3.2.3 was revised to clarify the use of the method 5 sampling train (40 CFR Part 60, Appendix A). The revision states that only the front half of the train will be used for determining compliance with gravimetric emission limitations.

Final Action

EPA's review of the April 8, 1981, submittal indicates that it meets all requirements of section 110 and Part D of the Clean Air Act. Therefore, EPA proposes to approve all aspects of that submittal.

EPA finds good cause exists for making the action taken in this notice immediately effective for the following reasons:

(1) Implementation plan revisions are already in effect under state law or regulation and EPA approval poses no additional regulatory burden;

(2) EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible.

Under section 307(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Note. Incorporation by reference of the State Implementation Plan for the State of Utah was approved by the Director of the Federal Register on July 1, 1981.

Dated: April 30, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart TT—Utah

(1) In § 52.2320, paragraph (c)(12) is added as follows:

§ 52.2320 Identification of Plan.

* * * * *

(c) * * *

(12) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for particulates

and volatile organic compounds, were submitted on April 8, 1981.

[FR Doc. 82-14618 Filed 5-27-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 440

Medicare and Medicaid Programs; Nurse-Midwife Services

Correction

In FR Doc. 82-13346 appearing at page 21046 in the issue for Monday, May 17, 1982 please make the following corrections:

(1) On page 21049, in the middle column, in § 405.2401(b)(10)(iv)(C), in the last two lines, the phrase "(the effective date of these regulations)" should have read "July 16, 1982."

(2) On page 21050, in the third column, in § 440.165(b)(4)(iii), in the last two lines, "(the effective date of these regulations)" should have read "July 16, 1982."

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6012]

Final Flood Elevation Determination; Pennsylvania

AGENCY: Federal Emergency Management Agency.

ACTION: Deletion of final rule.

SUMMARY: The Federal Emergency Management Agency has erroneously published the final flood elevation determination for the Township of LeBoeuf, Erie County, Pennsylvania. This notice will serve to delete that publication. Following an engineering analysis and review, a revised notice of proposed flood elevation determination will be issued.

EFFECTIVE DATE: May 28, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering analysis, the Federal Emergency Management Agency has determined that the notice of final flood elevation determination for the Township of LeBoeuf, Erie County,

Pennsylvania, published at 45 FR 60585, on December 11, 1981, should be deleted. After a technical evaluation, a revised notice of proposed flood elevations will be issued, with a ninety-day period specified for comments and appeals.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: April 30, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-14601 Filed 5-27-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 68

[Docket No. FEMA-68A]

Base Flood Elevation Determinations; Administrative Hearing Procedures

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) revises its procedures for holding administrative hearings for resolution of appeals of its base flood elevation determinations. The purpose of this revision is to provide a more efficient hearing process. This revision establishes a three member board which includes two members qualified in the field of technical base flood elevation determinations to replace the current requirement of a single administrative law judge or hearing officer as presiding official. The board's decision will be a recommendation to the Agency Director who will make the final base flood elevation determination. Other minor changes consistent with these revisions have been made to improve the administrative hearing procedures.

DATE: This rule is effective June 28, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Gregg Chappell, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287-0230.

SUPPLEMENTARY INFORMATION: Section 1363 of the National Flood Insurance Act of 1968, as amended, provides that a community may appeal flood elevation determination proposed by FEMA. Section 1363(e) provides in part: "The

(Director) shall resolve such appeal by consultation with officials of the local government involved, by administrative hearing, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice." The administrative hearing procedures for base flood elevation appeals are set forth in 44 CFR Part 68 of the National Flood Insurance Program regulations.

These procedures currently provide for an administrative law judge to preside over such hearings (§ 68.4). With the complexity of technical involvement in determining flood elevations, FEMA finds that a better way to secure informed technical review at these hearings is to have them conducted by a hearing board with members who are technically qualified to review flood elevation data. Specifically, this proposed revision (§ 68.4) establishes a three member hearing board to replace the current requirement of a single administrative law judge or hearing officer.

In addition, these procedures (specifically §§ 68.2, 68.3 and 68.4) are being revised to ensure a fair and impartial procedure and to reflect the internal reorganization of FEMA and recent delegations of authority made pursuant to the reorganization. The Associate Director for State and Local Programs and Support will have responsibility for determining whether an administrative hearing will be held. The Agency Director will appoint a hearing officer based upon a recommendation by the Office of Personnel Management. The hearing officer will chair the board. The two remaining members, who must be qualified in the technical field of flood elevation determinations, will be selected by the appointed hearing officer. The hearing officer shall consult with anyone he deems appropriate to determine the technical qualifications of individuals being considered for appointment to the board. The board members shall not be FEMA employees.

Section 68.3 is being revised to reflect clearly the statutory discretion allowed the Associate Director in determining whether to hold a hearing. The Associate Director shall hold an administrative hearing after determining that the appeal cannot be resolved by community consultation or by the advice of an independent scientific body or an appropriate Federal agency. The purpose of this section is to conserve administrative resources.

Section 68.8 has been made more specific to limit the scope of review of the administrative hearing to only that information which would be pertinent to

scientific or technically correct base flood elevations for the community in question. Section 68.9 has also been made more specific and limited for the same reason by deleting § 68.9 (b) and (e).

Section 68.11 has been revised to reflect the change from an administrative law judge/hearing officer as the presiding official to the three member hearing board as provided in the new § 68.4. The board shall have 45 days after the conclusion of the hearing to render a written decision and the entire record will be sent to the Director for review and final determination.

Under the current § 68.13, any modification to the base flood elevations granted by the administrative law judge was binding on the Director. Under this rule change (§ 68.11), the hearing board's determination will be in the form of a recommendation to the Director. The Director will be the final decision-maker and shall approve or disapprove, in whole or in part, the recommendation of the board. Any appellant aggrieved by the Director's decision will have the right of appeal to the United States district court for the district within which the community is located as provided by Section 1363(f) of the National Flood Insurance Act of 1968, as amended.

An environmental assessment is not necessary because this rule change is procedural and has no effect on the quality of the human environment. This rule change is not a "major rule" within the context of Executive Order 12291. This rule does not have a significant economic impact on a substantial number of small entities because it calls for improving the appeals process for base flood elevation determinations.

FEMA published a proposed rule on December 22, 1981 (46 FR 61299-61301). One comment was received. Lee County, Florida, expressed concern with that aspect of the rule change which gives the Director discretion to approve or disapprove, in whole or in part, the decision of the hearing board. While we understand the County's apprehension, we believe it is misplaced. First, the procedures of the Federal Emergency Management Agency (FEMA) which bound it to a finding of a hearing officer were highly atypical. It is not common practice for Federal agencies to so bind themselves. Second, though the Director will have the discretion to review the board's decision, such decision would not be rejected without good reason. Third, if a community believes that the board's decision has been overturned without good cause, the community has recourse to the courts. FEMA believes that since it has the responsibility for

establishing accurate flood elevations, it must allow itself the leeway to review the board's findings.

Only one change was made in the proposed rule. A new subsection was added to § 68.9 *Admissible Evidence* to clarify the fact that a previous determination regarding the flood elevations of another community is not binding on the board and is only admissible if relevant. Each flood insurance study applies to one community. It would be inconsistent with the statutory appeals structure to have the determination of one community's flood elevations affect the elevations in a different community. The principles of *res judicata* and collateral estoppel are not applicable to this type of situation.

Accordingly, 44 CFR Part 68 is revised to read as follows:

PART 68—ADMINISTRATIVE HEARING PROCEDURES

Sec.

- 68.1 Purpose of part.
- 68.2 Definitions.
- 68.3 Right to administrative hearings.
- 68.4 Hearing board.
- 68.5 Establishment of a docket.
- 68.6 Time and place of hearing.
- 68.7 Conduct of hearings.
- 68.8 Scope of review.
- 68.9 Admissible evidence.
- 68.10 Burden of proof.
- 68.11 Determination.
- 68.12 Relief.

Authority: Sec. 1304(a), 1363 of the National Flood Insurance Act of 1968, as amended, 82 Stat. 574 (42 U.S.C. 4011-4104); Reorganization Plan No. 3 of 1978 (43 FR 41943) and Executive Order 12127, dated March 31, 1979 (44 FR 19367) and delegation of authority to Associate Director, State and Local Programs and Support.

§ 68.1 Purpose of part.

The purpose of this part is to establish procedures for appeals of the Associate Director's base flood elevation determinations, whether proposed pursuant to section 1363(e) of the Act (42 U.S.C. 4104) or modified because of changed conditions or newly acquired scientific and technical information.

§ 68.2 Definitions.

The definitions set forth in Part 59 of this subchapter are applicable to this part. For the purposes of this part, "Director" shall mean the Director of the Federal Emergency Management Agency and "Associate Director" shall mean Associate Director for State and Local Programs and Support.

§ 68.3 Right to administrative hearings.

If a community appeals the Associate Director's flood elevation determination

established pursuant to § 67.8 of this subchapter, and the Associate Director has determined that such appeal cannot be resolved by consultation with officials of the community or by submitting the conflicting data to an independent scientific body or appropriate Federal agency for advice, the Associate Director shall hold an administrative hearing to resolve the appeal.

§ 68.4 Hearing board.

(a) Each hearing shall be conducted by a three member hearing board (hereinafter "board"). The board shall consist of a hearing officer (hereinafter "Judge") appointed by the Director based upon a recommendation by the Office of Personnel Management and two members selected by the Judge who are qualified in the technical field of flood elevation determinations. The Judge shall consult with anyone he deems appropriate to determine the technical qualifications of individuals being considered for appointment to the board. The board members shall not be FEMA employees.

(b) The Judge shall be responsible for conducting the hearing, and shall make all procedural rulings during the course of the hearing. Any formal orders and the final decision on the merits of the hearing shall be made by a majority of the board. A dissenting member may submit a separate opinion for the record.

(c) A technically qualified alternate will be appointed by the Judge as a member of the board when a technically qualified appointed member becomes unavailable. The Director will appoint an alternate Judge if the appointed Judge becomes unavailable.

§ 68.5 Establishment of docket.

The General Counsel shall establish a docket for appeals referred to him/her by the Associate Director for administrative hearings. This docket shall include, for each appeal, copies of all materials contained in the flood elevation determination docket (FEDD) file on the matter, copies of all correspondence in connection with the appeal, all motions, orders, statements, and other legal documents, a transcript of the hearing, and the board's final determination.

§ 68.6 Time and place of hearing.

(a) The time and place of each hearing shall be designated by the Judge for that hearing. The Associate Director and the General Counsel shall be promptly advised of such designations.

(b) The board's notice of the time and place of hearing shall be sent by the Flood Insurance Docket Clerk by

registered or certified mail, return receipt requested, to all appellants. Such notice shall include a statement indicating the nature of the proceedings and their purpose and all appellants' entitlement to counsel. Notice of the hearing shall be sent no later than 30 days before the date of hearing unless such period is waived by all appellants.

§ 68.7 Conduct of hearings.

(a) The Judge shall be responsible for the fair and expeditious conduct of proceedings.

(b) The Associate Director shall be represented by the General Counsel or his/her designee.

(c) One administrative hearing shall be held for any one community unless the Associate Director for good cause shown grants a separate hearing or hearings.

(d) The Chief Executive Officer (CEO) of the community or his/her designee shall represent all appellants from that community; *Provided*, That any appellant may petition the board to allow such appellant to make an appearance on his/her own behalf. Such a petition shall be granted only upon a showing of good cause.

(e) Hearings shall be open to the public.

(f) A verbatim transcript will be made of the hearing. An appellant may order copies of the transcribed verbatim record directly from the reporter and will be responsible for payments.

§ 68.8 Scope review.

Review at administrative hearings shall be limited to: An examination of any information presented by each appellant within the 90 day appeal period indicating that elevations proposed by the Associate Director are scientifically or technically incorrect; the FIRM; the flood insurance study; its backup data and the references used in development of the flood insurance study; and responses by FEMA to the issues raised by the appellant(s).

§ 68.9 Admissible evidence.

(a) Legal rules of evidence shall not be in effect at administrative hearings. However, *only* evidence relevant to issues within the scope of review under § 68.8 shall be admissible.

(b) Documentary and oral evidence shall be admissible.

(c) Admissibility of non-expert testimony shall be within the discretion of the board.

(d) All testimony shall be under oath.

(e) *Res judicata*/collateral estoppel. Where there has been a previous determination, decision or finding of fact by the Director, one of his delegates, an

administrative law judge, hearing officer, or hearing board regarding the base flood elevations of any other community, such determination, decision, or finding of fact shall not be binding on the board and may only be admissible into evidence if relevant.

§ 68.10 Burden of proof.

The burden shall be on appellant(s) to prove that the flood elevation determination is not scientifically or technically correct.

§ 68.11 Determination.

The board shall render its written decision within 45 days after the conclusion of the hearing. The entire record of the hearing including the board's decision will be sent to the Director for review and approval. The Director shall make the final base flood elevation determination by accepting in whole or in part or by rejecting the board's decision.

§ 68.12 Relief.

The final determination may be appealed by the appellant(s) to the United States district court as provided in Section 1363(f) of the Act (42 U.S.C. 4104).

(Catalog of Federal Domestic Assistance Number 83.100 National Flood Insurance Program)

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-14624 Filed 5-27-82; 8:45 am]

BILLING CODE 6716-01-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Maricopa County, Arizona, Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Maricopa County, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Maricopa County, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 28, 1982.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 040037 Panel 0935A, published on October 6, 1980, in 45 FR 66116, indicates that Lots 129 through 147, North Valley View, Unit Two, Phoenix, Arizona, as recorded in Book 235, Page 9, in the Office of the Recorder, Maricopa County, Arizona are located within the Special Flood Hazard Area.

Map No. H & I 040037 Panel 0935A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 2, 1979. These lots are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 19, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-14569 Filed 5-27-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Santa Barbara County, California, Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Santa Barbara County, California. It has been determined by the Associated Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Santa Barbara County, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 28, 1982.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner

from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 060331 Panel 0765B, published on October 6, 1980, in 45 FR 66119, indicates that Lot 4, Tract 11511, Santa Barbara County, California, as recorded in Book 79, Pages 91 through 93 of Record Maps, in the Office of the Recorder, Santa Barbara County, California, is located within the Special Flood Hazard Area.

Map No. H & I 060331 Panel 0765B is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on March 15, 1979. This property is in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-14581 Filed 5-27-82; 8:45 am]

BILLING CODE 6718-03-M