checkpoints that the pilots use for their internal purposes. The old reporting points were Lighted Buoy #1, MRGO Light 33, and MRGO Light 96. The new reporting points are Lighted Bell Buoy #2, MRGO Lighted Bell Buoy 20 and MRGO Light 94. The changes to this regulation are not substantive and do not significantly change the features of the Safety Zone.

In addition, a typographical error is corrected in § 165.801(b) by adding commas. The section currently reads Vessels including tows over * * * The section should read Vessels, including tows, over * * *

Summary of Final Evaluation

These regulations are considered to be insignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5-22-80). An evaluation under the Regulatory Flexibility Act of 1980 has not been conducted. The changes to this regulation are not substantive. For these reasons, it has been determined that this action will not have a significant economic effect on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Waterways.

Final Regulations

In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33 Code for Federal Regulations as follows:

PART 165—[AMENDED]

33 CFR 165.801 is amended by revising (b), (c) and (d) as follows:

§ 165.801 Mississippi River Gulf Outlet.

(a) * * *

(b) Vessels, including tows, over 600 feet in length, or over 80 feet in beam, or with a draft in excess of 30 feet, and intending to transit that portion of the Safety Zone from its seaward entrance at Lighted Bell Buoy 2 (LLNR 2015) to the jetty at MRGO Light 62 (LLNR 2068) must receive permission to enter or move within the Safety Zone. Vessels meeting this criteria will not meet or overtake each other in this seaward portion of the Safety Zone unless the pilots and/or operators of both vessels consider such passage to be safe and agree to it. Such an agreement must be reported beforehand to the VTS.

(c) All inbound vessels meeting the criteria of paragraph (b) of this section shall notify New Orleans Vessel Traffic Service (VTS) two hours prior to intended entry into the Safety Zone (in order to be scheduled), and immediately prior to entry (in order to obtain permission to enter), and upon passing MRGO Lighted Bell Buoy 2, and MRGO Lighted Bell Buoy 20 (LLNR 2031), MRGO Light 62, MRGO Light 94 (LLNR 2082.50) and MRGO Light 114 (LLNR 2092).

Notification shall be made on Channel 12 VHF-FM. Notification prior to intended entry which cannot be accomplished on Channel 12 VHF-FM due to extreme range, shall be made by telephone to the VTS at (504) 589-2772 or 589-2773 by the vessel's agent or via the marine operator.

(d) All outbound vessels meeting the criteria of paragraph (b) of this section shall notify VTS two hours prior to intended movement within the Safety Zone (in order to be scheduled), and immediately prior to movement (in order to obtain permission to move), and immediately after heading fair in the outbound direction, and as the vessel passes the junction of the MRGO and Gulf Intracoastal Waterway (Mile 60.0 MRGO), MRGO Light 114, MRGO Light 94, and MRGO Light 62, and MRGO Lighted Bell Buoy 20 and MRGO Lighted Bell Buoy 2. Notification two hours prior to movement shall be made by telephone to the VTS at (504) 589-2772 or 549-2773. Other notification shall be made on channel 12 VHF-FM. Channel 11 VHF-FM may be used in lieu of Channel 12 by vessels above the Paris Road Bridge (mile 60.9 MRGO).

* * * * *

(33 U.S.C. 1225, 1231; 49 CFR 1.46(n)(4))

Dated: August 18, 1983.

W. G. Stewart,

Rear Admiral, U.S. Coast Guard.

[FR Doc. 83-29993 Filed 11-2-83; 8:45 am]

BILLING CODE 4910-14-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM82-3; Order No. 529]

Order Amending Rules of Practice and Procedure

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: This final rule adopts the amendments to Rule 54 of the Commission's rules of practice, 39 CFR Part 3001 *et seq.*, that were proposed in the Notice of Proposed Rulemaking issued by the Commission on August 1, 1983 [48 FR 35914 (August 8, 1983)], pursuant to 39 U.S.C. 3603, 3622, and 3623. Previously, Rule 54(f)(2) required that requests for recommended rate or classification decisions be supported by projections of estimated accrued costs for a fiscal year beginning "not more than 12 months" subsequent to the filing date of a request for changes in rates or classification. The amended final rule would allow these projections of estimated costs to be for a fiscal year beginning not more than 24 months rather than 12 months subsequent to the filing of rate and classification cases. Additionally, the Commission is amending Rules 54(n) and 102(d) to require prior rate case reconciliations between actual and estimated revenues and costs to be filed within six months following the end of the last fiscal year included in the test year rather than as a part of the next general rate case.

EFFECTIVE DATE: This rule is effective on November 3, 1983.

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L Street, NW., Washington, D.C. 20268 (telephone: [202] 254-3824).

SUPPLEMENTARY INFORMATION: In connection with each of the last three omnibus rate cases, the Postal Service filed a waiver request to relax the requirement of Rule 54(f)(2) that the Postal Service provide projections of estimated accrued costs "for a fiscal year beginning not more than 12 months subsequent to the filing date of the formal request." The Commission granted the last two waiver requests which sought a relaxation of the requirement that the test year be a "fiscal" year.

Taking cognizance of the need of the Postal Service to request waivers of Rule 54(f)(2) in each of the last three omnibus rate cases, the Commission issued on September 28, 1982, an Advance Notice of Proposed Rulemaking presenting three alternatives to the existing rule and inviting comments thereon.

The first proposal was to eliminate the fiscal year requirement in Rule 54(f)(2) and replace it with a requirement of four consecutive accounting quarters. This amendment to Rule 54(f)(2) would have incorporated permanently the essence of waiver requests the Commission granted in Docket Nos. R77-1 and R80-1 wherein the Commission allowed the Postal Service to use a hybrid test year instead of a fiscal year. The second proposal would expand the test period to more than one year thereby permitting the Commission to recommend rates for a two- to three-year period. The third alternative suggested in the Advance Notice of Proposed Rulemaking was to maintain the fiscal year requirement but to allow a more prospective test year perhaps one beginning up to 21 months from the filing date of a request for rate or classification changes.

Ten parties including the governors of the Postal Service filed comments addressing the merits of the three proposals presented in the Advance Notice. Those favoring a hybrid test year consisting of four consecutive accounting quarters rather than a fiscal test year expressed concern that the other two alternatives would lead to more prospective test years resulting in higher rates which in turn would be based on more speculative estimates than under the present rule. After reviewing these comments, the Commission concluded that these reasons were insufficient to overcome the benefits to the ratemaking process of a fiscal test year. Thus, on August 1, 1983, the Commission issued a Notice of Proposed Rulemaking proposing for adoption essentially the third alternative described above. Specifically, the Commission proposed requiring that the test year be a fiscal year beginning up to 24 months from the date of filing.

In that notice, the Commission concluded that only by retaining the fiscal test year requirement was it possible to achieve the primary objective of having the rates arising from a omnibus rate case be in effect throughout the test year, while at the same time attaining accountability in the ratemaking process. We explained why a fiscal year test year was necessary to check the validity of the test year data as follows:

> A fiscal test year is required to allow the Commission to check its results with audited figures. A review of Docket No. R80-1 indicates the problems of attempting to reconcile hybrid forecasts and audited fiscal year data. In Docket No. R80-1, the Commission approved the Postal Service's motion to use a hybrid test year of the last two quarters of FY 1981 and the first two quarters of FY 1982. At the end of FY 1981, the Postal Service adjusted its workers' compensation model which resulted in an increase of over $500 million in workers' compensation expense. In attempting to trace these costs to the hybrid test year it is not possible to ascertain which portion of that adjustment should be applied to the hybrid test year. Similarly, in FY 1982, the Postal Service's external auditors adjusted workers' compensation to reduce costs by over $370 million. Although the Postal Service did not accept that adjustment and accepted a qualified endorsement of its financial results from the auditors for that reason, it still remains unclear how this adjustment will affect the hybrid test year. In all probability, without audited financial data, the existence of a $370 million reduction in costs would not be known. An audited statement highlights any problems in the financial data and insures some continuity in treatment of specific items of costs

Nine parties filed comments responding to the Commission's August 1, 1983 Notice.[1] Having considered these comments, we adopt the amendment to Rule 54(f)(2) proposed in our initial Notice.

The Department of Defense and the American Newspaper Publishers' Association endorsed the Commission's proposal generally.

Direct Marketing Association (DMA) and Envelope Manufacturers Association of America (EMAA) expressed partial support for the proposed amendment to Rule 54(f)(2). EMAA believes that the maximum period between the filing date and the beginning of the test year should be 18 or 21 months rather than 24 months. We have decided not to adopt EMAA's proposal because it needlessly restricts the Governors' powers pursuant to section 3622, of the Act to determine when to file rate cases. Assuming rates will go into effect approximately 10 to 12 months after a rate case filing,[2] to reduce the period to 18 or 21 months would defeat the primary objective of ensuring that rates be in effect throughout the test period. For example, assuming the Postal Service planned a December 1983 filing, if the test year had to begin within 18 or 21 months, the test year would have to be FY 1985. Based on a 10 to 12 month period to implement rates after the filing date, such a requirement would result in new rates not going into effect until after FY 1965 had to some extent already elapsed. Thus our primary objective of ensuring that the new rates be in effect throughout the test year would be defeated.

Direct Marketing Association supports the Commission's proposal assuming that the Commission states an intention to reevaluate the test year contingency provision to account for the surplus resulting from higher rates due to a more prospective test year. As we explained in Docket Nos. R76-1 and R77-1 the contingency provision is an allowance to insure against unforeseen imbalances between costs and revenues which occur as a result of errors in assumptions underlying projections as well as unforeseen events. In determining the contingency provision, a critical factor "is the relative ability of the Postal Service to absorb unforeseen expense increases and revenue shortfalls." PRC Op. R77-1, p. 25. DMA's comments are essentially embraced within this criteria, and may, of course, be presented in that context in an omnibus rate case.[3]

Five commenters, Third Class Mail Association, MCI Communications Corp., Mail Order Association of America, Reader's Digest Association and the Postal Service, filed comments opposing adoption of the proposed rule. They repeat arguments raised previously that the proposed rule will lead to a more prospective test year with high rates based on more speculative estimates. Again, we have carefully evaluated their concerns and have concluded that they do not outweigh the benefits flowing from having a fiscal year test period. To reiterate, it is only through a fiscal year test year that it is possible "for the Commission and the parties * * * to compare estimates to actual results * * * to check the validity of test year data." Notice of Proposed Rulemaking, August 1, 1983, p. 9.

With regard to the possibility of higher rates under the proposed rule, the Postal Service pursuant to 39 U.S.C. 3622 is to operate on a breakeven basis. To the extent higher rates result in profits during a period, this surplus is offset by losses resulting from relatively lower rates during another period. These losses presumably will arise during the period a subsequent rate filing is delayed because of the profits arising from the arguably higher rates caused by a more prospective test year.

The Postal Service argues that requiring a fiscal test year negates the Board of Governors' discretion regarding the timing of rates cases. Postal Service Comments, September 9, 1983. According to the Service, the Board's discretion would be restricted because under the amended rule the period prior to the beginning of the test year when new recommended rates are in effect is excessive in length. Because the period is excessive, the Service argues that the Governors will exercise caution and not implement new rates presumably until the beginning of the fiscal year. Underlying the Service's concerns is that a more prospective test year would produce higher rates than under a more proximate test year.

We think this concern is overstated. At the outset we note that it will be rare that the hypothetical presented by the Service in its comments will occur. In its

[1] Commissioner Duffy filed comments consistent with his position on this matter.

[2] A 10 to 12-month period from filing to rate implementation is consistent with the section 3624 which requires the Commission to issue its Opinion and Recommended Decision within 10 months of filing. The Governors normally act upon the Commission's Decision a short time thereafter.

[3] The Postal Service filed remarks on September 15, 1983, addressing DMA's comments. We leave to the next omnibus rate case resolution of the issues arising from DMA's and the Postal Service's comments.

comments at p. 6 the Service hypothesizes a situation in which under the proposed rule the test year would begin 22 to 24 months from the filing date. The Service suggests that a test year this prospective could be challenged because it produces recommended rates "based on projections of costs further in the future, and therefore presumbly greater, than the costs being incurred by the Postal Service when the rates went into effect." (Footnote omitted.)

For both rate cases filed since passage of the 1976 amendments to the Postal Reorganization Act [4] the Governors have chosen to utilize a hybrid test period beginning in the middle of a fiscal year. Apparently this choice was, in part, dictated by the Governors' determination that it results in implementing rates in late winter or spring when volume is relatively low. In contrast, the hypothetical assumes implementation of new rates during the peak Christmas season. On balance, it is far more likely that the Service will continue past practice and avoid implementing new rates during the October to December Christmas mailing season assumed in the hypothetical. In any event, the rule does not foreclose the Postal Service from seeking a waiver if it deems it necessary to avoid the problem envisioned in its comments.

Finally, pursuant to Rule 54(n) the Postal Service provides a reconciliation between prior test year estimates and actual results in its next formal request for changes in rates. Providing this data earlier benefits the Commission and parties as it would allow review and analysis with a view toward improving estimating techniques during the period between rate cases rather than solely during the more hectic period when an omnibus rate case is pending before the Commission. We propose that this reconciliation be made no later than six months following the end of the last fiscal year included in the test year of the last rate case.

Only the Postal Service objects to the rule. The Postal Service opposes producing the report at that time because of possible disruption to internal staffing requirements. Inasmuch as this reconciliation is not a particularly difficult report to prepare and any disruption will be minimal, we are adopting the proposed rule. While we recognize that an administrative "crunch" might arise in a particular case, requiring special consideration, we are not prepared to abandon a useful analysis across the board because of that possibility. This is a question which is better dealt with on the basis of some practical experience, so far as a permanent disposition is concerned.

Impact of proposed changes. Pursuant to Executive Order 12291, the Commission finds that the proposed rule changes do not constitute a "major rule." The changes deal with procedural matters and it is not anticipated that they could result in an appreciable change in the costs of participating in these cases. Nor will the changes have any adverse effects on competition, employment or the other factors listed in E.O. 12291.

The above analysis that the proposed rule changes do not constitute a major rule for purposes of E.O. 12291, applies with equal force to the Regulatory Flexibility Act.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure.

PART 3001—RULES OF PRACTICE AND PROCEDURE

Subparts B and G—Administrative Practice and Procedure

We hereby amend Rules 54(f)(2), 54(n) and 102(d) of the rules of practice [39 CFR 3001.54(f)(2), 3001.54(n) and 3001.102(d)] as follows:

1. Amend § 3001.54(f)(2) to remove the number "12" and inserting in its place the number "24" in the second sentence of Rule 54(f)(2) to read as follows:

§ 3001.54 Contents of formal requests.

* * * * *

(f) * * *

(2) * * * Estimated accrued costs referred to in paragraph (f)(2)(ii) of this section shall be for a fiscal year beginning not more than 24 months subsequent to the filing date of the formal request. * * *

* * * * *

2. Remove § 3001.54(n) and redesignate current paragraphs (o) to (t) as paragraphs (n) through (s) respectively.

3. Amend § 3001.102(d) by adding new paragraph (d)(4) to read as follows:

§ 3001.102 Filing of reports.

* * * * *

(d) * * *

(4) A report containing, to the extent practical, and explanation considering both price and nonprice variables, of the reasons that the costs (by cost segment), revenues and volumes (by class and subclass of mail), projected for the test period used in the most recently concluded rate case, differ from the actual accrued costs, revenues and volumes (six months following the end of the last fiscal year included in the test year of the last rate case).

* * * * *

(39 U.S.C. 3603, 3622, 3623)

By the Commission. Commissioner Duffy abstains.

Charles L. Clapp,

Secretary.

[FR Doc. 83-29903 Filed 11-2-83; 8:45 am]

BILLING CODE 7715-01-M

[4] The 1976 amendment to the Postal Reorganization Act inter alia, established the existing operative framework in which new rates are implemented approximately 10 to 12 months after a rate case filing.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 468

[WH-FRL 2462-5]

Copper Forming Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction of final rule.

SUMMARY: EPA is correcting several errors in the effluent limitations guidelines, pretreatment standards and new source performance standards for the copper forming category which appeared in the **Federal Register** on August 15, 1983 (48 FR 36942). These errors include (1) the omission of a requirement for the drawing spent lubricant stream from 40 CFR 468.01; (2) the number of plants and discharge points included in the discharge monitoring report (DMR) data and (3) typographical errors in both the preamble and 40 CFR Part 468.

DATE: These corrections shall become effective on November 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. David Pepson, at (202) 312-7126.

SUPPLEMENTARY INFORMATION: On August 15, 1983 EPA published final effluent limitations guidelines and standards for the copper forming point source category (40 CFR Part 468; 48 FR 36942). Both the preamble and the regulation contained several errors. These errors are discussed briefly below and are corrected by this notice.

A provision was inadvertently omitted from 40 CFR 468.01 "Applicability" that limits the applicability of a discharge allowance for drawing spent lubricant to only those plants that actually discharge the drawing spent lubricant waste stream at copper forming sites. No discharge allowance is applicable or allowable where these wastewaters are hauled off-site or otherwise not discharged at copper forming sites. Accordingly, 40 CFR 468.01 is corrected to add paragraph (b) explaining this condition for the allowance. EPA's intent to impose this condition for obtaining a drawing spent lubricant allowance is clearly explained in the preamble at 48 FR 36946, along with the reasons for doing so.

Sections IV and IX of the preamble contain discussions of discharge monitoring report data obtained subsequent to proposal which were analyzed and compared to the treatment effectiveness values used in developing limitations and standards. There are several factual errors in these discussions relating to the number of plants and discharge points for which data were available. These errors are corrected by this notice. The conclusions reached from analyses of the discharge monitoring data are discussed in the preamble to the final rule and are unchanged by the corrections made today.

There are several typographical errors in the preamble and in the numerical limitations and standards of 40 CFR Part 468. These errors are also corrected by this notice.

In addition, it should be noted that on September 15, 1983 the Agency published a technical amendment to 40 CFR Part 468 that deleted a footnote under § 468.04 compliance date for PSES (48 FR 41409). The footnote stated that the compliance date for PSES was subject to Court approval of an EPA modification of the Consent Decree in *NRDC* v. *Train*, 12 ERC 1833 (D.D.C. 1979). Subsequent to promulgation the Court approved EPA's modification allowing three years for compliance. Accordingly, the footnote was deleted.

Dated: October 26, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

PART 468—[CORRECTED]

The following corrections are made to **Federal Register** document OW-FRL-2401-3 published on August 15, 1983 (48 FR 36942).

1. On page 36944, column one, second paragraph, "19 discharges from 15 copper forming plants" is corrected to read "17 discharges from 16 copper forming plants".

2. On page 36944, second column, second paragraph, "the basic for the revised costs" is corrected to read "the basis for the revised costs".

3. On page 36945, second column, fifth paragraph, "(20 plants versus four copper forming plants available)" is corrected to read "(18 plants versus four copper forming plants available)".

4. On page 36946, first column, third paragraph, and again in the second column, first and third paragraphs, "1/kkg" is corrected to replace the number "1" with the letter "l" for liters to read "l/kkg".

5. On page 36947, column two, third paragraph, "1,755 1/kkg" is corrected to read "1755 l/kkg".

6. On page 36952, column one, fourth paragraph, "data points from 20 plants" is corrected to read "data points from 18 plants".

7. On page 36952, second column, first paragraph, the first sentence is corrected and a second sentence added for purpose of clarification. As corrected, this paragraph now reads: "The Agency confirmed that copper forming plants were achieving results that were consistant with the values determined from the CMDB by examining discharge monitoring reports (DMR). Of the 17 discharge points for which data were collected, fifteen discharge points had treatment consistent with the lime and settle technology used as the basis for the copper forming regulation. Although reported in summary form (usually as monthly averages) DMR data can be used to construct annual average effluent concentration values".

8. On page 36952, column two, second paragraph, "42 annual average values for copper from the 19 discharge points" is corrected to read "41 annual average values for copper from the 15 discharge points". In that same paragraph, "These 42 averages" is corrected to read "These 41 copper averages".

9. On page 36952, column two, third paragraph, "Thirty-three of these 42" is corrected to read "Thirty-one of these 41".

10. On page 36952, column two, third paragraph "annual averages for 11 of the discharge points" is corrected to read "annual averages for 8 of the 15 discharge points".

11. On page 36952, column two, third paragraph, "the remaining eight" is corrected to read "the remaining seven".

12. On page 36952, column two, third paragraph, "of the eight discharge points, seven had only one year in which the annual average was greater than the CMDB average and the other discharge point reported two of four annual averages only slightly greater than the CMDB average" is corrected to read "of the seven discharge points, four had only one year in which the annual average was greater than the CMDB average and the other three discharge points reported two annual averages greater than the CMDB average".

13. On page 36952, column two, fourth paragraph, "data on four other" is corrected to read "data on six other".

14. On page 36952, column two, fourth paragraph, "for chromium, nickel, zinc, and TSS" is corrected to read "for nickel, lead, and TSS". Immediately following, a new sentence is added to read "Forty-five percent of the chromium annual averages, forty-seven percent of the iron annual averages, and twenty-two percent of the zinc annual averages were below their respective CMDB long-term average".

15. On page 36953, first column, fourth paragraph, "for the drawing spent lubricant operation" is corrected to read "for drawing spent lubricant".

16. On page 36954, second column, second paragraph, "BPT costs estimates ae higher" is corrected to read "BPT cost estimates are higher".

17. On page 36957, column one, under Appendix C, "The following three (3) pollutants" is corrected to read "The following two (2) pollutants".

§ 468.01 [Corrected]

18. In 40 CFR 468.01 which appears on page 36957, the first paragraph is designated as paragraph (a).

19. In 40 CFR 468.01, a new paragraph (b) is added to read as follows:

* * * * *

(b) The discharge allowances for drawing spent lubricant of 40 CFR 468.11(c), 468.12(c), 468.13(c), 468.14(c) and 468.15(c) are applicable only to those plants that actually discharge the drawing spent lubricant waste stream at copper forming sites. No discharge allowance is applicable or allowable where these wastewaters are hauled off-site for disposal or are otherwise not discharged at copper forming sites.

§ 468.02 [Corrected]

20. 40 CFR 468.02(n) which appears on page 36958, column one, "the mass or copper of copper alloy" is corrected to read "the mass of copper or copper alloy".

§ 468.13 [Corrected]

21. In 40 CFR 468.13(f) which appears on page 36962 the maximum for any 1 day for copper of "10.587" is corrected to read "1.587". In this same paragraph the maximum for any 1 day for zinc of "0.264" is corrected to read "1.264".

22. In 40 CFR 468.13(i) which appears on page 36963, the maximum for any 1 day for chromium of "4.667" is corrected to read "4.677".

23. In 40 CFR 468.13(q) which appears on page 36964, column one, the maximum for monthly average for copper of "1.013" is corrected to read "0.013".

§ 468.15 [Corrected]

24. In 40 CFR 468.15(o) which appears on page 36967, column two, "PSPS" is corrected to read "PSNS".

[FR Doc. 83-29720 Filed 11-2-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6439

[AA-9206]

Alaska; Revocation of Public Land Order No. 5549

Correction

In FR Doc. 83-19996 beginning on page 33713 in the issue of Monday, July 25, 1983, make the following corrections:

1. On page 33713, third column, thirteen lines from the bottom, in the entry for "Sec. 35", "N½N½" should read "N½N½,".

2. On the same page, in the same column, three lines from the bottom, in the entry for "Sec. 4", "S½NE¼" should read "S½NW¼".

3. On page 33714, first column, nine lines from the top, in the entry for "Sec. 21", "N½NW¼" should read "N½NE¼".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below:

ADDRESSES: See table below:

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik; Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4002-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been proposed. It does not involve any collection of information for purposes of The Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

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 modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
California	Novato, city of Marin County (FEMA-6409)	Novato Creek	At eastern corporate limits	*6
			Approximately 3400 feet downstream of confluence with Simmons Slough.	*6
			Area bounded by U.S. Highway 101 and Northwestern Pacific Railroad.	*8
			Approximately 100 feet downstream of Northwestern Pacific Railroad Bridge.	*9
			Area bounded by U.S. Highway 101, Redwood Boulevard, and Lamont Avenue.	*12
		Vineyard Creek	Upstream edge of Center Road bridge	*45
			Approximately 725 feet downstream of Wilson Avenue crossing.	*54
			Downstream edge of Trumbull Avenue bridge	*88
			Downstream edge of Mill Road bridge	*102
		Wilson Creek	Approximately 25 feet upstream of McClay Avenue crossing.	*57
			Approximately 125 feet downstream of Hansen Road extended.	*68
			At Hansen Road extended	*70
			Approximately 100 feet downstream of Shields Lane crossing.	*71