

are determined to be BTCA, the performance standards of 30 CFR 816.45 will control (51 FR at 41957-58).

New Mexico's definition of BTCA at CSMC Rule 80-1-1-5 states that the Director of the New Mexico Mining and Minerals Division (MMD) shall have the discretion to determine BTCA on a case-by-case as authorized by the New Mexico Surface Mining Act and rules. In addition, CSMC Rule 80-1-20-41(d)(4) states that, if the alternative sediment control practices listed in paragraph (d) (2) of CSMC Rule 80-1-20-41 are not adequate to meet the required performance standards of CSMC Rule 80-1-20-41(d)(1), the operator must, unless issued a waiver by the regulatory authority, comply with the requirements of CSMC Rule 80-1-20-42. The combined action of these two rules would provide the Director of MMD authority to determine on a case-by-case basis what constitutes BTCA as authorized by the New Mexico Surface Mining Act and rules.

Therefore, the Director finds that proposed CSMC Rule 80-1-20-42(a)(1) is no less effective than the Federal regulation at 30 CFR 816-46 and no less stringent than SMCRA.

IV. Summary and Disposition of Comments

OSM did not receive any public comments in response to its March 14, 1989, and September 7, 1989, Federal Register notices, and it did not hold a public hearing because no one requested an opportunity to provide testimony.

Pursuant to section 503 (b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11), OSM solicited comments from various Federal agencies with an actual or potential interest in the New Mexico program.

In accordance with 30 CFR 732.17(h)(11)(ii), the Environmental Protection Agency (EPA) concurred with the proposed amendment on April 5, 1989, and October 6, 1989. On March 22, 1989, it also commented that any mining operation applying for a mining permit should be aware that it might have to comply with the National Pollutant Discharge Elimination System (NPDES) "new source" effluent limitation requirements that EPA promulgated in accordance with Section 306 of the Clean Water Act. It also commented that an environmental review of the "new source" NPDES permit applications would have to be conducted in accordance with the National Environmental Policy Act. Consistent with this requirement, in the Federal Register notice suspending 30 CFR 816.46(b)(2) (51 FR 41952, November 20, 1986), OSM stated that where BTCA

includes a discharge from a point source, effluent limits will continue to apply and a NPDES permit will be needed (51 FR 41957). New Mexico's general hydrologic balance rule, CSMC Rule 80-1-20-41(c), is consistent with the preceding notice and the wording of the counterpart Federal regulations at 30 CFR 816.45(a), in that it requires operators to comply with Federal and State water quality statutes, regulations, standards, and effluent limitations. Therefore, New Mexico permit applicants and mine operators are aware of their responsibilities under the NPDES and OSM is not requiring any further action on the part of New Mexico at this time.

V. Director's Decision

Based on the above findings, the Director is approving the proposed amendment submitted by New Mexico on February 21, 1989, and August 17, 1989. The Federal regulations at 30 CFR Part 931 that codify decisions concerning the New Mexico program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

National Environmental Policy Act

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action, OSM is exempt from the requirement to prepare a regulatory impact analysis, and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule will not impose any new requirements; rather, it will ensure that existing requirements established by

SMCRA and the Federal rules will be met by the State.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 931

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 15, 1989.

Raymond L. Lowrie,
Assistant Director, Western Field Operations.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below.

PART 931—NEW MEXICO

1. The authority citation for part 931 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 931.15 is amended by adding a new paragraph (j) to read as follows:

§ 931.15 Approval of amendments to State regulatory program.

* * * * *

(j) The following amendment is approved effective December 26, 1989: Revision to the New Mexico Surface Coal Mining Commission (CSMC) Rules 80-1-20-41(d)(1) and 80-1-20-42(a)(1), pertaining to protection of the hydrologic balance, submitted on February 21, 1989, and August 17, 1989.

[FR Doc. 89-29846 Filed 12-22-89; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165 Ice Navigation Season

AGENCY: Coast Guard, DOT.

ACTION: Notice of effective date.

SUMMARY: The Ice Navigation Season Regulated Navigation Area on the northern portion of the Chesapeake Bay and its tributaries, including the Chesapeake and Delaware Canal, will be placed in effect on December 17, 1989.

The regulations for this Regulated Navigation Area, found in 33 CFR 165.503, state that they are placed in effect and terminated at the direction of the Captain of the Port Baltimore by

notice in the **Federal Register**. This notice places those regulations in effect.

The purpose of the Regulated Navigation Area is to enhance the safety of navigation in the affected waters. It requires operators of certain vessels, during their vessel's transit of the Regulated Navigation Area, to be aware of currently effective Ice Navigation Season Captain of the Port Orders issued by the Captain of the Port Baltimore.

EFFECTIVE DATE: 4:30 p.m., 17 December 1989 until further notice.

FOR FURTHER INFORMATION CONTACT: Lieutenant F. L. Propst, Port Safety Officer, U.S.C.G. Marine Safety Office, Custom House, 40 South Gay Street, Baltimore, Maryland 21202-4022, (301) 962-5105.

J.H. Parent,
Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 89-29820 Filed 12-22-89; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 124

RIN 0905-AB35

Medical Facility Construction and Modernization: Requirements for Provision of Services to Persons Unable To Pay; Office of Management and Budget Approval of Information Collection Requirements

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final rule; effective date.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that the Office of Management and Budget (OMB) has approved the information collection requirements in §§ 124.509(c), 124.514(c), 124.515(b)(2)(ii) and 124.515(b)(3)(ii)(B) of the "Medical Facility Construction and Modernization: Requirements for Provision of Services to Persons Unable To Pay" final rule as published on December 3, 1987 at 52 FR 46022. The Department is amending the regulation to reflect OMB's approval under OMB Control Number 0915-0077. Upon publication §§ 124.509(c), 124.514(c), 124.515(b)(2)(ii) and 124.515(b)(3)(ii)(B) as amended below will become effective.

EFFECTIVE DATE: 42 CFR 124.509(c), 124.514(c), 124.515(b)(2)(ii) and

124.515(b)(3)(ii)(B) will become effective on December 26, 1989.

FOR FURTHER INFORMATION CONTACT: Richard R. Ashbaugh, Director for Health Facilities, Bureau of Maternal and Child Health and Resources Development, 5600 Fishers Lane, Rm. 11-03, Rockville, MD 20857, (301)-443-6560.

SUPPLEMENTARY INFORMATION: Because this amendment is a technical change merely reflecting OMB's approval of information collection requirements, notice and public comment are unnecessary.

List of Subjects in 42 CFR Part 124

Grant programs—Health, Health facilities, Loan programs—Health, Low income persons, Reporting and recordkeeping requirements.

Accordingly, part 124 of title 42, Code of Federal Regulations is amended as set forth below.

Dated: December 6, 1989.

James E. Larson,
Acting Deputy Assistant Secretary for Information Resources Management.

Subpart F—Reasonable Volume of Uncompensated Services to Persons Unable To Pay

42 CFR part 124 is amended by adding the following parenthetical statement at the end of §§ 124.509, 124.514 and 124.515:

(Approved by the Office of Management and Budget under Control Number 0915-0077)

[FR Doc. 89-29808 Filed 12-22-89; 8:45 am]

BILLING CODE 4160-15-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6976]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood

Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Administrator, reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the FIRM(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the floodplain 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.

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean 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 on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, 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 impose no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

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, E.O. 12127.

§ 65.4 [Amended]

2. Section 65.4 is amended by adding in alphabetical sequence new entries to the table.

State and County	Location	Dates and Name of Newspaper Where Notice Was Published	Chief Executive Officer of Community	Effective Date of Modification	Community Number
California: San Diego	City of Poway	Dec. 14, 1989 and Dec. 21, 1989, <i>Poway News-Chieftan</i> .	Hon. Carl R. Kruse, Mayor, City of Poway, P.O. Box 789, Poway, CA 92064.	Dec. 7, 1989	060702B
Connecticut: Hartford	Town of Bloomfield	Nov. 17, 1989 and Nov. 24, 1989, <i>The Bloomfield Journal</i> .	Hon. David Baram, Mayor of the Town of Bloomfield, Hartford County, P.O. Box 343, Bloomfield, CT 06002.	Nov. 10, 1989	090122C
Florida: Dade	Unincorporated areas	Dec. 1, 1989 and Dec. 8, 1989, <i>Miami Review</i> .	Hon. Joaquin Avino, County Manager, Dade County, Metro Dade Center, 111 NW 1st Street, Suite 2910, Miami, FL 33128-1971.	Nov. 17, 1989	125098
Georgia: Bryan	City of Richmond Hill	Nov. 15, 1989 and Nov. 22, 1989, <i>Richmond Hill Area News</i> .	Hon. Richard R. Davis, Mayor, City of Richmond Hill, P.O. Box 250, Richmond Hill, GA 31324.	Aug. 24, 1989	130018
Ohio: Fairfield	Village of Bremen	Dec. 15, 1989 and Dec. 22, 1989, <i>Lancaster Eagle Gazette</i> .	Hon. Ronald E. Nixon, Mayor, Village of Bremen, 132 Mulberry Street, P.O. Box 127, Bremen, OH 43107.	Dec. 5, 1989	390160
Rhode Island: Bristol	Town of Barrington	Dec. 6, 1989 and Dec. 13, 1989, <i>The Barrington Times</i> .	Hon. Peter A. DeAngelis, Jr., Acting Town Manager, Town Hall, 283 County Road, Barrington, RI 02806.	Nov. 21, 1989	445392

Issued: December 12, 1989.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 89-29873 Filed 12-22-89; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

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 on the following table.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish in this notice all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65).

For rating purposes, the revised community number is shown and must be used for all new policies and renewals.

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

These modified elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change 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.