regulatory action, within the meaning of E.O. 12866, nor is it considered significant under the regulatory policies and procedures of the DOT. It is anticipated that the economic impact of this rulemaking will be minimal. This rulemaking proposes technical amendments to 23 CFR 658, adding a certain highway segment in accordance with statutory provisions. This segment represents a very small portion of the National Network and has a negligible impact on the prior system. Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), FHWA has evaluated the effects of this proposal on small entities. This rulemaking proposes technical amendments to 23 CFR 658, adding a certain highway segment in accordance with statutory provisions. This segment represents a very small portion of the National Network and has a negligible impact on the prior system. This rulemaking would, however, allow motor carriers, including small carriers, access to a highway segment not available to them at the present time.

Based on its evaluation of this proposal, the FHWA certifies that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The Regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities do not apply to this program.

Paperwork Reduction Act

The proposal in this document does not contain information collection requirements for the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environment Policy Act of 1969 (42 U.S.C. 4321 et seq.) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 658

Grant programs—transportation, Highway and roads, Motor carriers.

Issued on: October 8, 1996.

Rodney E. Slater,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA proposes to amend title 23, Code of Federal Regulations, Chapter I, by amending appendix A to Part 658 for the State of North Carolina as set forth below:

PART 658—TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS—LENGTH, WIDTH AND WEIGHT LIMITATIONS

1. The authority citation for 23 CFR Part 658 continues to read as follows:

Authority: 23 U.S.C. 127 and 315; 49 U.S.C. 3111–31115; 49 CFR 1.48 (b)(19) and (c)(19).

2. Appendix A to Part 658 is amended for the State of North Carolina by adding a new route listing entry after the listing for US 74, I–277 Charlotte, US 17 W. Int. Wilmington to read as follows:

Appendix A to Part 658—National Network—Federally-Designated Routes

NORTH CAROLINA

Route	From	To
* * *	*	*
US74	I–26Exit 36	US74 ALT: near Forest City.
* * *	*	*

* * * * *

[FR Doc. 96–26744 Filed 10–18–96; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

RIN 0596–AB41

Sale and Disposal of National Forest Timber; Indices To Determine Market-Related Contract Term Additions

AGENCY: Forest Service, USDA.

ACTION: Proposed rule; request for comments.

SUMMARY: The Forest Service proposes to amend current regulations to require the use of Industry Series Producer Price Indices from the Bureau of Labor Statistics, rather than the currently required indices in the Commodity Series. Use of a different Producer Price Index series requires a change in procedures for determining when market-related contract term additions are needed. In addition to changing the index series, the proposed rule makes technical changes including: Applying the indices on a sale-by-sale basis, based on species and product, rather than a National Forest basis; precluding market-related contract term additions on contracts for sales with a primary objective of harvesting damaged, dead, or dying timber and contracts with provisions for stumpage rate adjustment; and minor changes to clarify or simplify procedures for applying the indices. The intended effect is to grant timber sale contract term additions based on more representative market criteria.

DATES: Comments must be received in writing by November 20, 1996.

ADDRESSES: Send written comments to Director, Timber Management Staff (2400), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

The public may inspect comments received on this proposed rule in the office of the Director, Timber Management Staff, Forest Service, USDA, Wing 3NW, Auditor's Building, 201 14th Street, S.W., Washington, DC 20250, between the hours of 8:30 a.m. and 4:30 p.m. Those wishing to inspect comments are encouraged to call ahead (202–205–0893) to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Rex Baumback, Timber Management Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090, (202) 205–0855.

SUPPLEMENTARY INFORMATION: .

Background

On December 7, 1990, the Forest Service published a final rule (55 FR

50643) to establish procedures at 36 CFR § 223.52 for extending contract termination dates to prevent contract default or severe financial loss to the purchaser in response to adverse conditions in the timber markets. Experience has indicated that the market declines that would cause a market-related contract term addition generally coincide with substantial economic dislocation in the wood products industry. Such economic distress broadly affects community stability, the ability of the wood products industry to supply construction lumber and other wood products from domestic sources, and threatens the existence of wood manufacturing plants needed to meet future demands for wood products. Accordingly, the 1990 rule provides that if there is a drastic decline in wood product prices sufficient to trigger the market-related contract term addition, there would be a corollary substantial overriding public interest to extend the term of existing timber sale contracts, as required by the National Forest Management Act of 1976 (16 U.S.C. 472a(c)) and existing regulations at 36 CFR 223.115(b).

The 1990 rule requires the use of various wood product Producer Price Indices, prepared by the Department of Labor, Bureau of Labor Statistics, to determine whether a drastic reduction in wood product prices has occurred. Since adoption of the rule, a drastic reduction occurred for Douglas-fir, Dressed Index, during the first quarter of 1991 and, most recently, in the second quarter of 1995. As a result, the Forest Service notified purchasers and, upon the purchasers' written request, added an additional year to timber sale contract terms for qualifying contracts.

Appearing before the House Appropriations Subcommittee on Interior and Related Agencies, on April 28, 1992 (Testimony Report number, T–RCED–92–58), the General Accounting Office (GAO) testified that the Forest Service's timber sale contract extension rule was inconsistent with the way other governmental agencies have addressed the impact of declining markets on timber purchasers. GAO also testified that, in implementing the regulation in 1991, the Forest Service used a formula with inappropriate data to reach a determination that prices for wood products from the Pacific Northwest had drastically declined. Specifically, GAO testified that the Forest Service used a formula developed with data that were not adjusted to account for seasonal fluctuations. GAO noted that if the Forest Service had used the Bureau of Labor Statistics' seasonally adjusted data, the formula would not have indicated a drastic price reduction and would not have triggered contract extensions on the west side of the Pacific Northwest.

GAO further testified that the Bureau of Labor Statistics advises use of seasonally adjusted data which are designed to eliminate the effects of normal market fluctuations that occur at about the same time, and in about the same magnitude, each year, such as price movements resulting from normal weather patterns and regular production and marketing cycles. GAO recommended that the Secretary of Agriculture direct the Chief of the Forest Service to: (1) stop using the Bureau of Labor Statistics' unadjusted indices in reaching determinations that wood product prices have drastically declined, and (2) make eligible only those contracts that do not already reflect falling prices.

The Secretary of Agriculture agreed to re-examine the use of the Bureau of Labor Statistics' unadjusted Producer Price Indices to determine whether wood product prices showed a drastic decline and whether to make eligible only those contracts that do not already reflect falling prices. Subsequently, the Forest Service concurred that seasonally adjusted Producer Price Indices, adjusted to a constant dollar base, could be used to determine whether a drastic reduction in wood product prices has occurred and, therefore, whether a market-related contract term addition should be granted. However, in December 1994, the Bureau of Labor Statistics stopped applying seasonal adjustments to the related Producer Price Indices, since they found insufficient statistical evidence to demonstrate a need to continue adjusting these indices.

The Producer Price Indices currently used by the Forest Service are from the Commodity Series prepared by the Bureau of Labor Statistics. However, the Bureau of Labor Statistics has determined that the Industry Series, rather than the Commodity Series, should be used as the principal series to measure market changes. The Industry Series includes indices for Western Softwood, Eastern Softwood, and Hardwood Lumber and is more representative of the sawmill industry than the indices used with the Commodity Series. The Industry Series is more representative because the Industry Series softwood lumber indices include rough lumber and the Hardwood Lumber Index excludes the secondary industries of dimension stock and flooring.

In order to utilize or maximize use of all resources with the least impact on the environment, many sales consist primarily of chipable material. Current market-related contract term addition procedures do not use an index to reflect market changes in chipable material; however, to fill this need, the Forest Service proposes to apply the Industry Series Wood Chip Index to measure market changes for the price of chips and to address the volatility of the wood chip market.

A review of other readily available indices representing the same wood product markets shows that indices comparable to the Producer Price Indices do not exist. Some regional indices are available; however, the timing, frequency, and procedure for collection of information for these indices varies. Some index services or associations use previous month invoice prices that are provided by their members, while other services use current month negotiated bid prices or sale prices. Reliable indices, prepared nationally and applied consistently, are not available. Therefore, the Forest Service proposes to codify the use of the following Bureau of Labor Statistics (BLS) indices from the Industry Series:

BLS producer price index	Industry code
Hardwood Lumber	2421 #1
Eastern Softwood Lumber	2421 #3
Western Softwood Lumber	2421 #4
Wood Chips	2421 #5

Each Producer Price Index is adjusted to a constant dollar base by dividing it by the Producer Price Index for All Commodities, Commodity Code 00000000. The Forest Service currently monitors the various indices and determines that a drastic reduction in wood product prices has occurred when, for 2 or more consecutive quarters after the contract award, the applicable adjusted price index is less than 80 percent of the average of such adjusted index for the 4 highest of the 8 calendar quarters immediately prior to the qualifying quarter. Because the Industry Series indices are less species specific, they are less volatile. Therefore, in order to continue to identify severe market declines, it is necessary to change the triggering percentage to 85 percent when Industry Series indices are used. The indices and the adjustment procedures are set forth in proposed paragraphs (b) (1) and (2).

Other Provisions of the Proposed Rule

Paragraph (a) of § 223.52 is proposed to be revised to clarify the conditions and provisions for adding contract time to timber sale contracts. Proposed paragraph (a)(1) makes minor non-substantive changes to current paragraph (a) to clarify the conditions for granting a timber sale contract extension.

Currently, Regional Foresters, for those Regions with more than one Producer Price Index, determine the index to be used on each National Forest in that Region. The Forest Service recognizes that applying the Bureau of Labor Statistics' indices on a National Forest basis may not reflect actual sale characteristics. Therefore, in proposed paragraph (a)(2), the Forest Service proposes that Forest Supervisors shall determine the index to be used for each sale. The selected index would then reflect the predominant species and product, by volume, included in the sale area and would be more representative of the species and products actually in the sale area than applying the indices on a National Forest level.

Periodically, catastrophic events severely damage timber. The damaged timber must be harvested within a relatively short time period to avoid substantial losses in both quantity and quality of timber due to deterioration. The critical time period available for harvesting damaged timber and avoiding substantial deterioration varies with the season of the year, the species of timber, the damaging agent, and the location of the damaged timber. In most cases, significant deterioration can be avoided if the damaged timber is harvested within 1 year of the catastrophic event. Accordingly, the proposed rule provides that when the primary objective of a timber sale contract is to harvest damaged, dead, or dying timber, a market-related contract term addition provision will not be included in the contract because such a provision could delay harvest. Therefore, in proposed paragraph (a)(3)(i), the Forest Service proposes not to allow market-related contract term addition on sales that have a primary objective of harvesting damaged, dead, or dying timber.

In the past, contract lengths were relatively long (4 or more years). Most current timber sale contracts have a duration of 3 years or less, and many of the current contracts allow for stumpage rate adjustment, which provides a stumpage price adjustment for the timber sale purchaser as the timber markets change. Under current regulations, the market-related contract term addition provision offers a second and unnecessary method of addressing adverse market conditions, when adequate adjustment may already be provided in many contracts through stumpage rate adjustment. Therefore, in proposed paragraph (a)(3)(ii), the Forest Service proposes not to allow market-related contract term addition on sales with stumpage rate adjustment provisions.

To codify the indices available for use in market-related contract term additions, proposed paragraph (b)(1)(i) of § 223.52 lists the indices available for use in market-related contract term additions. The proposed indices use Bureau of Labor Statistics' Industry Series indices, since the Industry Series is now the principal series supported by Bureau of Labor Statistics. Species specific indices are not available from the Industry Series. The Eastern Softwood Lumber and Western Softwood Lumber Indices reflect the similarity of the markets in each geographic region. These indices also include rough lumber which was not included in the indices used previously from the Commodity Series. The Hardwood Lumber Index now excludes the secondary industries of dimension stock and flooring. The Wood Chip Index is added to provide a better measure of market changes for sales that include primarily chipable material.

The Bureau of Labor Statistics issues preliminary indices and, when data is finalized, issues final indices. The final indices may indicate a qualifying quarter when the preliminary data does not indicate a qualifying quarter or vice versa. The Forest Service wishes to use the most current data, but does not want to redetermine whether past quarters are qualifying quarters. Redetermining whether past quarters are qualifying quarters would sometimes indicate that market-related contract term additions had been granted when they were not justified or that they had not been granted when they were justified. Therefore, in proposed paragraph (b)(1)(ii), the agency proposes to use the most current data, but not to revise the determination of qualifying quarters when final Producer Price Index data is available.

The current regulations designate the Regional Forester as the official who determines when a drastic reduction in wood product prices has occurred. In practice, the Chief makes this determination; therefore, proposed paragraph (b)(2) names the Chief as the determining official.

Paragraph (b)(2) also would be revised to provide that a drastic reduction in wood product prices occurs when, for 2 or more consecutive quarters, the applicable adjusted price index is less than 85 percent of the average of such adjusted index for the 4 highest of the 8 calendar quarters immediately prior to the qualifying quarter. The percentage was changed from 80 percent because the indices used from the Industry Series are less species specific and, therefore, less volatile. A higher percentage better identifies drastic reductions in wood product prices.

The Forest Service proposes revising paragraph (b)(2) to clarify that the 8 calendar quarters to be used for calculating market-related contract term additions are the 8 quarters immediately prior to each qualifying quarter. This is the method used in the examples of the operation of the market-related contract term addition published as the proposed rule on November 6, 1987 (52 FR 43020), and is the process that has been used since 1990 for calculating the market-related contract term additions.

Paragraph (c) of § 223.52 would be revised to remove the reference to the Regional Forester to conform to the change in paragraph (b)(2) specifying that the Chief of the Forest Service makes the determination and to make clear that contracts eligible for term addition are those which have been awarded but are not yet terminated.

The current regulation requires that periodic payment dates be recalculated based on the revised contract termination date. Current contract procedures, however, require that the periodic payment dates be delayed by an amount of time equal to the additional contract time. The contract procedure delays periodic payments for more time than the procedure in the current rule allows. Therefore, the Forest Service proposes to revise paragraph (d) of § 223.52 to provide a delay in periodic payment dates equal to the amount of additional contract time. This proposed change will not only make the regulation consistent with current contract procedures, but will also better provide the assistance that is needed during market declines.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is not a significant rule. This rule will not have an annual effect of $100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This rule will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. In short, little or no effect on the national economy will result from this proposed rule change. This action consists of administrative changes to regulations affecting timber sale contract length. The Producer Price Indices selected and revised procedures better reflect the cyclic nature of lumber markets and help the agency determine whether a drastic downturn has actually occurred in these particular markets. Finally, this action will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients of such programs. Accordingly, this proposed rule is not subject to OMB review under Executive Order 12866.

Moreover, this proposed rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 610 *et seq.*), and it is hereby certified that this action will not have a significant economic impact on a substantial number of small entities as defined by that Act. Failure to adopt these improved procedures for measuring drastic decline in wood product prices will subject both small purchasers and large purchasers to increased risk of default in those situations where current indices are not as valid as indicators of price decline as those being proposed in this rule. Modifications to timber sale contracts have the intended effect of allowing purchasers of timber sales to complete timber sales when adverse conditions have occurred in the timber market and when no other means of adjustment, such as stumpage rate adjustment, are available.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, the Department has assessed the effects of this rule on State, local, and tribal governments and the private sector. This rule does not compel the expenditure of $100 million or more by any State, local, or tribal governments or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Environmental Impact

This proposed rule deals with business practices related to timber sale contracts and, as such, has no direct effect on the amount, location, or manner of timber offered for purchase. Section 31.1b of Forest Service Handbook 1909.15 (57 FR 43180; September 18, 1992) excludes from documentation in an environmental assessment or impact statement ‘‘rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions.’’ The agency’s preliminary assessment is that this rule falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement. A final determination will be made upon adoption of the final rule.

Controlling Paperwork Burdens on the Public

This proposed rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR 1320 and, therefore, imposes no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and implementing regulations at 5 CFR part 1320 do not apply.

Comments Invited

The Forest Service invites comments on this proposal to use Producer Price Indices from the Industry Series and to change the operational procedures that apply to market-related contract term additions on timber sales. Comments received will be considered in the development of the final rule, which will be published in the Federal Register.

List of Subjects in 36 CFR Part 223

Administrative practice and procedure, Exports, Forests and forest products, Government contracts, National forests, Reporting and recordkeeping requirements.

Therefore, for the reasons set forth in the preamble, it is proposed to amend Part 223 of Title 36 of the Code of Federal Regulations as follows:

PART 223—SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER

1. The authority citation for Part 223 continues to read as follows:

Authority: 90 Stat. 92958, 16 U.S.C. 472a; 98 Stat. 2213, 16 U.S.C. 618; unless otherwise noted.

2. Revise § 223.52 to read as follows:

§ 223.52 Market-related contract term additions.

(a) *Contract provision*. (1) Except as provided in paragraph (a)(3) of this section, each timber sale contract containing periodic payment requirements shall contain a provision allowing for the addition of time to the contract term, under the following conditions:

(i) The Chief of the Forest Service has determined that adverse wood products market conditions have resulted in a drastic reduction in wood product prices applicable to the sale; and

(ii) The purchaser makes a written request for additional time to perform the contract.

(2) The contract term addition provision must also specify the index to be applied to each sale. The Forest Supervisor shall determine the index to be used for each sale based on the species or product characteristics, by volume, being harvested on the sale. Only one index may apply to a given sale. The Forest Supervisor may select only from the indices listed in paragraph (b) of this section.

(3) A market-related contract term addition provision shall not be included in contracts if either of the following circumstances exist:

(i) The sale has a primary objective of harvesting damaged, dead, or dying timber; or

(ii) The contract has a provision for stumpage rate adjustment.

(b) *Determination of drastic wood product price reductions*. (1) The Forest Service shall monitor and use Producer Price Indices for wood products, as prepared by the Department of Labor, Bureau of Labor Statistics (BLS), adjusted to a constant dollar base, to determine if market related contract term additions are warranted.

(i) The Forest Service shall monitor and use only the following indices:

BLS producer price index	Industry code
Hardwood Lumber	2421#1
Eastern Softwood Lumber	2421#3
Western Softwood Lumber	2421#4
Wood Chips	2421#5

(ii) When final indices are not available, preliminary indices shall be used; however, in such event, determination of a qualifying quarter will not be revised when final indices become available.

(2) The Chief of the Forest Service shall determine that a drastic reduction in wood product prices has occurred when, for 2 or more consecutive quarters, the applicable adjusted price index is less than 85 percent of the average of such adjusted index for the 4 highest of the 8 calendar quarters immediately prior to the qualifying quarter. A qualifying quarter is a quarter where the applicable adjusted index is more than 15 percent below the average of such index for the 4 highest of the previous 8 calendar quarters. Qualifying quarter determinations will be made using the Producer Price Indices for the months of March, June, September, and December.

(3) A determination, made pursuant to paragraph (b)(2) of this section, that a drastic reduction in wood product prices has occurred shall constitute a finding that the substantial overriding

public interest justifies the contract term addition.

(c) *Granting market-related contract term additions*. When the Chief of the Forest Service determines, pursuant to this section, that a drastic reduction in wood product prices has occurred, the Forest Service is to notify affected timber sale purchasers. For any contract which has been awarded and has not been terminated, the Forest Service, upon a purchaser's written request, will add 1 year to the contract's term, except as provided in paragraphs (c) (1) through (3) of this section. This 1-year addition includes time outside of the normal operating season.

(1) For each additional consecutive quarter, in which a contract qualifies for a market-related contract term addition, the Forest Service will, upon the purchaser's written request, add an additional 3 months during the normal operating season to the contract.

(2) No more than twice the original contract length or 3 years, whichever is less, shall be added to a contract's term by market-related contract term addition.

(3) In no event shall a revised contract term exceed 10 years as a result of market-related contract term additions.

(d) *Recalculation of periodic payments*. Where a contract is lengthened as a result of market conditions, any subsequent periodic payment dates shall be delayed 1 month for each month added to the contract's term.

Dated: October 8, 1996.

J. Kenneth Myers,

Acting Chief.

[FR Doc. 96–26755 Filed 10–18–96; 8:45 am]

BILLING CODE 3410–11–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7194]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed 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: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–2756.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed 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 Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This proposed 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 proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 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.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows: