

for the final interim approvals are contained in docket numbers CA-SLO-95-01-OPS (for San Luis Obispo), CA-SB-95-1-OPS (for Santa Barbara), and CA-VT-94-1-OPS (for Ventura) maintained at the EPA Regional Office. Each docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The dockets are available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under sections 502 and 112 of the Act do not create any new requirements, but simply address operating permit programs submitted to satisfy the requirements of 40 CFR part 70. Because these actions do not impose any new requirements, they do not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the interim approval action promulgated today does not include a federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under state or local law, and imposes no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection,
Administrative practice and procedure,

Air pollution control, Hazardous substances, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: October 23, 1995.

Felicia Marcus,
Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding paragraphs (z), (aa), and (gg) to the entry for California to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

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California

The following district program was submitted by the California Air Resources Board on behalf of:

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(z) *San Luis Obispo County APCD* (complete submittal received on November 16, 1995; interim approval effective on December 1, 1995; interim approval expires December 1, 1997.

(aa) *Santa Barbara County Air Pollution Control District (APCD)* submitted on November 15, 1993, as amended March 2, 1994, August 8, 1994, December 8, 1994, and June 15, 1995; interim approval effective on December 1, 1995; interim approval expires December 1, 1997.

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(gg) *Ventura County Air Pollution Control District (APCD)* submitted on November 16, 1993, as amended December 6, 1993; interim approval effective on December 1, 1995; interim approval expires December 1, 1997.

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[FR Doc. 95-27142 Filed 10-31-95; 8:45 am]

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40 CFR Part 300

[FRL-5323-8]

Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of policy change.

SUMMARY: The Environmental Protection Agency (EPA) is changing its policy concerning deletion of sites listed on the National Priorities List (NPL), or Superfund sites. EPA will now delete releases of hazardous substances at

portions of sites, if those releases qualify for deletion. Sites, or portions of sites, that meet the standard provided in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), i.e., no further response is appropriate, may be the subject of entire or partial deletion. EPA expects that this action will help to promote the economic redevelopment of Superfund sites, and will better communicate the completion of successful partial cleanups.

EFFECTIVE DATE: November 1, 1995.

FOR FURTHER INFORMATION CONTACT: Hugo Paul Fleischman, (5203G), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; (703) 603-8769. An alternative contact is the Superfund Hotline; 1-800-424-9346 (TDD 800-553-7672), or in the Washington, D.C. area, (703) 412-9810, (TDD 703-412-3323).

SUPPLEMENTARY INFORMATION: With State concurrence, EPA may delete sites from the NPL when it determines that no further response is appropriate under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). See 40 CFR 300.425(e). In making that determination, EPA typically considers: whether responsible or other parties have implemented all appropriate and required response actions; whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or whether the release of hazardous substances poses no significant threat to the public health, welfare or the environment, thereby eliminating the need for remedial action.

To date, EPA policy has been to delete releases only after evaluation of the entire site. However, deletion of entire sites does not communicate the successful cleanup of portions of those sites. Total site cleanup may take many years, while portions of the site may have been cleaned up and may be available for productive use. Some potential investors or developers may be reluctant to undertake economic activity at even a cleaned-up portion of real property that is part of a site listed on the NPL.

Therefore, EPA will delete portions of sites, as appropriate, and will consider petitions to do so. Such petitions may be submitted by any person, including individuals, business entities, States, local governments, and other Federal agencies. Partial deletion will also be governed by 40 CFR 300.425(e). State concurrence will continue to, thus, be a requirement for any partial deletion.

EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portion may be a defined geographic unit of the site, perhaps as small as a residential unit, or may be a specific medium at the site, e.g., groundwater, depending on the nature or extent of the release(s).

Again, EPA wishes to emphasize that the primary purpose of the NPL is to serve as an informational and management tool. Whether property is part of an NPL site is unrelated to CERCLA liability because neither NPL listing nor deletion assigns liability to any party or to the owner of any specific property. Liability under CERCLA is determined under CERCLA section 107, which makes no reference to NPL listing or deletion. Listing or deleting a site from the NPL does not create CERCLA liability where it would not otherwise exist. As with entire sites, deleted portions of sites remain eligible for further Fund-financed remedial actions should future conditions warrant such action. Whenever there is a significant release from a site or portion of a site deleted from the NPL, the site or portion may be restored to the NPL without application of the Hazard Ranking System. See 40 CFR 300.425(e)(3).

Dated: October 24, 1995.

Elliott P. Laws,

Assistant Administrator.

[FR Doc. 95-27069 Filed 10-31-95; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-7156]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the

dates listed in the table and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director, Mitigation Directorate, reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW, Washington, DC 20472, (202) 646-2756.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

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

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR Part 65.

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

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

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their 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.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows: