State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas: Midland (FEMA Docket No. 7204).	City of Midland	November 15, 1996, November 22, 1996, *Midland Reporter-Telegram.*	The Honorable Robert E. Burns, Mayor, City of Midland, P.O. Box 1152, Midland, Texas 79702–1152.	Oct. 30, 1996	480477

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: June 12, 1997.

Richard W. Krimm,

Executive Associate Director, Mitigation Directorate.

[FR Doc. 97–15947 Filed 6–17–97; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7212]

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 Executive 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: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW., Washington, DC 20472, (202) 646–2796.

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 Executive 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:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Pima	City of Tucson	March 6, 1997, March 13, 1997, *The Arizona Daily Star*.	The Honorable George Miller, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726–7210.	Feb. 21, 1997	040076
California: San Diego.	City of Oceanside	March 20, 1997, March 27, 1997, *North County Times*.	The Honorable Dick Lyon, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, California 92054.	Mar. 4, 1997	060294
Colorado: El Paso	City of Colorado Springs.	February 14, 1997, February 21, 1997, *Gazette Telegraph*.	The Honorable Robert Isaac, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901.	Jan. 17, 1997	080060
Colorado: Jefferson	City of Golden	March 14, 1997, March 21, 1997, *The Golden Transcript*.	The Honorable Jan C. Schenck, Mayor, City of Golden, 911 Tenth Street, Golden, Colorado 80401.	Mar. 3, 1997	080090
Colorado: Jefferson	Unincorporated Areas.	March 14, 1997, March 21, 1997, *The Golden Transcript*.	The Honorable Michelle Lawrence Chairperson, Jefferson County, Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, Colorado 80419.	Mar. 3, 1997	080087
Oklahoma: Oklahoma.	City of Oklahoma City.	February 6, 1997, February 13,1997, *Daily Oklahoman*.	The Honorable Ronald J. Norick, Mayor, City of Oklahoma City, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102.	Jan. 14, 1997	405378
South Dakota: Pennington.	City of Rapid City	February 11, 1997, February 18, 1997, *Rapid City Journal*.	The Honorable Edward McLaughlin, Mayor, City of Rapid City, 300 Sixth Street, Rapid City, South Dakota 57701–2724.	Jan. 17, 1997	465420
Texas: Collin	City of Dallas	March 6, 1997, March 13, 1997, *Dallas Morning News*.	The Honorable Ron Kirk, Mayor, City of Dallas, 1500 Marilla Street, Suite 5E North, Dallas, Texas 75201.	Feb. 11, 1997	480171
Texas: El Paso	City of El Paso	March 13, 1997, March 20, 1997, *El Paso Times*.	The Honorable Larry Francis, Mayor, City of El Paso, Two Civic Center Plaza, El Paso, Texas 79901–1196.	Feb. 26, 1997	480214
Texas: Denton	Town of Flower Mound.	March 20, 1997, March 27, 1997, *Flowerplex Pipeline*.	The Honorable Larry W. Lipscomb, Mayor, Town of Flower Mound, 2121 Cross Timbers Road, Flower Mound, Texas 75208.	Feb. 27, 1997	480777
Texas: Dallas	City of Garland	February 20, 1997, February 27, 1997, *Garland News*.	The Honorable James B. Ratliff, Mayor, City of Garland, P.O. Box 469002, Garland, Texas 75046–9002.	Jan. 22, 1997	485471
Texas: Harris	Unincorporated Areas.	February 7, 1997, February 14, 1997, *Houston Chronicle*.	The Honorable Robert Eckels, Harris County Judge, Harris County Administration Building, 1001 Preston Street, Houston, Texas 77002.	Jan. 15, 1997	480287
Texas: Tarrant	City of Hurst	March 6, 1997, March 13, 1997, *Fort Worth Star Telegram*.	The Honorable Bill Sounder, Mayor, City of Hurst, 1505 Precinct Line Road, Hurst, Texas 76054.	Feb. 20, 1997	480601
Texas: Dallas	City of Mesquite	February 13, 1997, February 20, 1997, *Mesquite News*.	The Honorable Cathye Ray, Mayor, City of Mesquite, P.O. Box 850137, Mesquite, Texas 75185–0137.	Jan. 14, 1997	485490
Texas: Montgomery.	Unincorporated Areas.	February 11, 1997, February 18, 1997, *Conroe Courier*.	The Honorable Alan B. Sadler, Montgomery County Judge, 301 North Thompson, Suite 210, Conroe, Texas 77301.	Jan. 22, 1997	480483
Texas: Williamson	City of Round Rock.	March 20, 1997, March 27, 1997, *Round Rock Leader*.	The Honorable Charles Culpepper, Mayor, City of Round Rock, 221 East Main Street, Round Rock, Texas 78664.	Feb. 27, 1997	481048

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: June 12, 1997.

Richard W. Krimm,

Executive Associate Director, Mitigation Directorate.

[FR Doc. 97–15949 Filed 6–11–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1136

[STB Ex Parte No. 624]

Removal of Obsolete Regulations Concerning Rail Passenger Fare Increases

AGENCY: Surface Transportation Board, DOT.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is removing from the Code of Federal Regulations obsolete regulations concerning rail passenger carrier commutation or suburban fare increases.

EFFECTIVE DATE: July 18, 1997.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Public Law 104–88, 109 Stat. 803 (ICCTA), abolished the Interstate Commerce Commission (ICC or Commission) and established the Board within the Department of Transportation. Section 204(a) of the ICCTA provides that ''[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act.''

The regulations at 49 CFR part 1136 require that a rail passenger carrier proposing commutation or suburban fare increases shall concurrently file tariffs and verified statements on the former ICC and on the Governor and appropriate State or county regulatory agency. The carrier is also to certify that the notice provisions of 49 CFR 1312.5 have been met.[1] In a notice of proposed rulemaking in this proceeding served and published in the **Federal Register** on February 24, 1997, we proposed to remove part 1136. In response to that notice, we received a comment from Joseph C. Szabo, for and on behalf of United Transportation Union-Illinois Legislative Board (UTU–IL).

Background

In Notice of Increases in Frt. Rates and Pass. Fares, 349 I.C.C. 741 (1975), the ICC issued regulations for rail and motor carriers to give advance notice of and justification for commutation and suburban passenger fare increases.[2] The purpose of the rules was to facilitate the filing of potential protests seeking the suspension and/or investigation of fare increases.

Subsequently, the ICC modified these regulations by removing their application to motor passenger carriers. Practice and Procedure—Misc. Amendments—Revisions, 6 I.C.C.2d 587 (1990).[3] The ICC reasoned that it could not investigate, suspend, revise or revoke for being unreasonable a rate proposed by a motor passenger carrier acting independently and, moreover, there had been no complaints or protests resulting from collective ratemaking activity by passenger carriers. See Practice and Procedure—Miscellaneous Amendments—Revision, Ex Parte No. 55 (Sub-No. 73) (ICC served Oct. 10, 1989).

Discussion and Conclusions

The only party responding to the February notice was UTU–IL, which states that its international organization is the collective bargaining representative for certain employees of rail carriers providing passenger train transportation in Indiana, Illinois, and Wisconsin. UTU–IL asserts, without substantiation or elaboration, that ''[t]he interest of rail carrier employees in maximum train service is sometimes compromised by the different fare levels, or by the desire to discourage business'', and that ''[r]ail employee organizations desire to monitor the fare changes, from both an individual route and regional basis.''

UTU–IL argues that, even though Congress eliminated tariff filing with the Board, we should maintain the requirement of filing justification statements for commutation or suburban fare increases. UTU–IL contends that this would not be a burden upon the railroads, and that they have continued to file justification statements with the Board as information.[4]

In addition to a justification statement, UTU–IL asks that other information, such as ''interstate tariffs,'' be made available to the public. It contends that, because the Board can require reports from freight rail carriers (49 U.S.C. 721(b)), we should require the submission of information concerning freight carrier participation in mass transportation related to local authorities. UTU–IL asks that the Board establish notice and disclosure requirements for rail passenger fares similar to those we established for rail freight rates in Disclosure, Publication & Notice of Change of Rates—Rail Carriage, 1 S.T.B. 153 (1996) (Rail Disclosure).

We conclude that the regulations in part 1136 can be eliminated. As explained in the February notice, under the ICCTA, with certain exceptions not relevant here,[5] ''the Board does not have jurisdiction * * * over mass transportation provided by a local governmental authority.'' 49 U.S.C. 10501(c)(2).[6] Even as to rail passenger transportation that might not qualify for that exemption, our regulatory authority is quite limited. The vast bulk, if not all of such transportation, is currently provided by Amtrak, over which we have no rate regulatory authority. The tariff filing requirements formerly applicable to rail carriers at former 49 U.S.C. 10761 and 10762 have been repealed,[7] and the circumstances under

[1] These regulations describe, *inter alia,* the placement, form, and content of the notice given when a rail passenger carrier seeks a fare increase. The Board has eliminated these regulations. Regulations for the Publication, Posting and Filing of Tariffs for the Transportation of Property by or with a Water Carrier in the Noncontiguous Domestic Trade, STB Ex Parte No. 618 (STB served Apr. 17, 1997).

[2] The rules were originally issued at 49 CFR part 1105. They were subsequently redesignated in part 1136. 47 FR 49576, November 1, 1982.

[3] This decision issued the part 1136 regulations (designated 49 CFR 1136.1) that are now in effect: A rail passenger carrier proposing commutation or suburban fare increases shall concurrently file appropriate tariffs with the Commission and serve supporting verified statements on the Commission (at its headquarters office and at each Commission office in States affected by the proposal) and on the Governor and appropriate State or County regulatory agency in each affected State, certifying that the notice requirements of 49 CFR 1312.5 have been met.

[4] UTU–IL states that a justification statement was filed on February 17, 1996, with tariff CSX 001–B. However, the Board's policy has been to return or not consider rail tariff filings proffered after December 31, 1995, in light of the ICCTA's repeal of rail tariff filing requirements.

[5] The exceptions, listed in 49 U.S.C. 10501(c)(3)(A), concern safety, employee representation for collective bargaining, and other employee-related matters. Also, under 49 U.S.C. 10501(c)(3)(B), the Board has jurisdiction over transportation by local transportation authorities relating to use of terminal facilities (49 U.S.C. 11102) and switch connections and tracks (49 U.S.C. 11103).

[6] ''This provision * * * changes the statement of agency jurisdiction to reflect curtailment of regulatory jurisdiction in areas such as passenger transportation * * *. [A]lthough regulation of passenger transportation is generally eliminated, public transportation authorities * * * may invoke the terminal area and reciprocal switching access remedies of section 11102 and 11103.'' See H. R. Conf. Rep. No. 422, 104th Cong., 1st Sess. 167 (1995).

[7] New 49 U.S.C. 11101 (b) and (d) require disclosure of rail common carrier rates and service terms. New 49 U.S.C. 11101(c) requires rail carriers