

Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

#### *I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

#### *J. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

#### *K. Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

### List of Subjects

#### *40 CFR Part 61*

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

#### *40 CFR Part 63*

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of section 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: April 15, 2003.

**Robert W. Varney,**  
*Regional Administrator, EPA New England.*

■ 40 CFR parts 61 and 63 are amended as follows:

### **PART 61—[AMENDED]**

■ 1. The authority citation for part 61 continues to read as follows:

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

#### **Subpart A—General Provisions**

■ 2. Section 61.04 is amended by adding paragraphs (c)(1) to read as follows:

#### **§ 61.04 Address.**

\* \* \* \* \*

(c) \* \* \*

(1) Inactive waste disposal sites not operated after July 9, 1981 within the State of New Hampshire must comply with the New Hampshire Regulations Applicable To Hazardous Air Pollutants, March 2003. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the Air and Radiation Docket and Information Center, U.S. EPA, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC. You may examine this material at the above EPA office or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

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### **PART 63—[AMENDED]**

■ 3. The authority citation for part 63 continues to read as follows:

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

#### **Subpart A—General Provisions**

■ 4. Section 63.14 is amended by adding paragraph (d)(5) to read as follows:

#### **§ 63.14 Incorporation by reference.**

\* \* \* \* \*

(d) \* \* \*

(5) New Hampshire Regulations Applicable to Hazardous Air Pollutants, March, 2003. Incorporation by Reference approved for § 63.99(a)(29)(iii) of subpart E of this part.

\* \* \* \* \*

### **Subpart E—Approval of State Programs and Delegation of Federal Authorities**

■ 5. Section 63.99 is amended by adding paragraphs (a)(29)(iii) to read as follows:

#### **§ 63.99 Delegated Federal authorities.**

(a) \* \* \*

(29) *New Hampshire.*

(i) \* \* \*

(ii) \* \* \*

(iii) Affected inactive waste disposal sites not operated after July 9, 1981 must comply with the New Hampshire Regulations Applicable to Hazardous Air Pollutants, March, 2003, (incorporated by reference as specified in § 63.14) as described as follows:  
(A) The material incorporated in the New Hampshire Regulations Applicable to Hazardous Air Pollutants, March, 2003, (incorporated by reference as specified in § 63.14) pertains to inactive waste disposal sites not operated after July 9, 1981 in the State of New Hampshire's jurisdiction, and has been approved under the procedures in 40 CFR 63.93 to be implemented and enforced in place of the Federal NESHAPs for Inactive Waste Disposal Sites (40 CFR 61.151).

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### **DEPARTMENT OF HOMELAND SECURITY**

#### **Federal Emergency Management Agency**

#### **44 CFR Part 65**

[Docket No. FEMA-B-7436]

### **Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the