

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

Dated: December 31, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 03-608 Filed 1-10-03; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) 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 in the following table.

FOR FURTHER INFORMATION CONTACT: Michael M. Grimm, Acting Chief, Hazard Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3461, or (email) mike.grimm@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of modified base flood elevations for each community listed. These modified elevations have been

published in newspapers of local circulation and 90 days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. 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, 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.

These modified 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.

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 Administrator, Federal Insurance and Mitigation Administration, 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 final 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 number
Alabama: Lee—(FEMA Docket No. D-7525).	City of Auburn	August 1, 2002; August 8, 2002; <i>Opelika-Auburn News</i> .	The Honorable Bill Ham, Jr., Mayor of the City of Auburn, 144 Tichenor Avenue, Auburn, Alabama 36830.	May 20, 2002	010144 E
Alabama: Jefferson—(FEMA Docket No. D-7525).	Unincorporated Areas	May 17, 2002; May 22, 2002; <i>The Birmingham News</i> .	Mr. Gary White, President of the Jefferson County, Commission Courthouse, Room 680A, 716 Richard Arrington Jr., Boulevard North, Birmingham, Alabama 35203.	August 21, 2002	010217 E
Alabama: Mobile—(FEMA Docket No. D-7525).	Unincorporated Areas	April 17, 2002; April 24, 2002; <i>Mobile Register</i> .	Mr. Joe W. Ruffer, Director of Public Works, Mobile Government Plaza, 205 Government Street, Mobile, Alabama 36604-1600.	April 10, 2002	015008 J
Connecticut: Fairfield—(FEMA Docket No. D-7527).	City of Danbury	June 6, 2002; June 13, 2002; <i>The News-Times</i> .	The Honorable Mark D. Boughton, Mayor of the City of Danbury, 155 Deer Hill Avenue, Danbury, Connecticut 06810.	September 12, 2002	090004 B
Delaware: New Castle—(FEMA Docket No. D-7525).	Unincorporated Areas	March 25, 2002; April 1, 2002; <i>The News Journal</i> .	Mr. Thomas P. Gordon, New Castle County Executive, Castle County Government Center, 87 Reads Way, New Castle, Delaware 19720.	July 1, 2002	105085 D
Florida: Clay—(FEMA Docket No. D-7527).	Unincorporated Areas	July 24, 2002; July 31, 2002; <i>The Florida Times-Union</i> .	Mr. Robert M. Wilson, Clay County Manager, P.O. Box 1366, Green Cove Springs, Florida 32043.	July 17, 2002	120064 D
Florida: Lee—(FEMA Docket No. D-7527).	Unincorporated Areas	June 28, 2002; July 5, 2002; <i>News-Press</i> .	Mr. Robert Janes, Chairman of the Lee County, Board of Commissioners, P.O. Box 398, Fort Myers, Florida 33902-0398.	June 21, 2002	125124 D&E
Florida: Polk—(FEMA Docket No. D-7527).	City of Lakeland	April 3, 2002; April 10, 2002; <i>The Ledger</i> .	Mr. Roger D. Haar, City Manager for the City of Lakeland, Lakeland City Hall, 228 South Massachusetts Avenue, Lakeland, Florida 33801-5086.	March 27, 2002	120267 F
Florida: Polk—(FEMA Docket No. D-7527).	Unincorporated Areas	August 1, 2002; August 8, 2002; <i>The Ledger</i> .	Mr. Jim W. Keene, Polk County Manager, 330 West Church Street, P.O. Box 9005, Drawer CA01, Bartow, Florida 33831-9005.	May 14, 2002	120261 F
Georgia: Fulton—(FEMA Docket No. D-7525).	City of Alpharetta	March 28, 2002; April 4, 2002; <i>The Revue & News</i> .	The Honorable Charles E. Martin, Mayor of the City of Alpharetta, City Hall, Two South Main Street, Alpharetta, Georgia 30004.	March 21, 2002	130084 D
Kentucky: Daviess—(FEMA Docket No. D-7527).	City of Owensboro	August 5, 2002; August 12, 2002; <i>Messenger-Inquirer</i> .	The Honorable Waymond O. Morris, Mayor of the City of Owensboro, P.O. Box 10003, Owensboro, Kentucky 42302-9003.	November 11, 2002	210063 C
Maine: Penobscot—(FEMA Docket No. D-7527).	City of Brewer	June 4, 2002; June 11, 2002; <i>Bangor Daily News</i> .	The Honorable Michael Celli, Mayor of the City of Brewer, City Hall, 80 North Main Street, Brewer, Maine 04412.	September 10, 2002	230104 B

Maryland: Frederick—(FEMA Docket No. D-7527).	Unincorporated Areas	July 22, 2002; July 29, 2002; <i>Frederick News Post.</i>	Mr. Ron Hart, Frederick County Manager, 12 East Church Street, Frederick, Maryland 21701.	240027 A
Michigan: Oakland—(FEMA Docket No. D-7527).	City of Novi	July 4, 2002; July 11, 2002; <i>Novi News.</i>	The Honorable Richard Clark, Mayor of the City of Novi, Civic Center, 45175 West Ten Mile Road, Novi, Michigan 48375-3024.	260175 C
Michigan: Macomb—(FEMA Docket No. D-7527).	City of Sterling Heights	June 9, 2002; June 16, 2002; <i>The Source.</i>	The Honorable Richard J. Notte, Mayor of the City of Sterling Heights, P.O. Box 8009, 40555 Utica Road, Sterling Heights, Michigan 48311-8009.	260128 E
Mississippi: Lafayette—(FEMA Docket No. D-7527).	City of Oxford	May 22, 2002; May 29, 2002; <i>Oxford Eagle.</i>	The Honorable Richard Howorth, Mayor of the City of Oxford, City Hall, 107 Courthouse Square, Oxford, Mississippi 38655.	280094 B
North Carolina: Durham—(FEMA Docket No. D-7525).	City of Durham	June 4, 2002; June 11, 2002; <i>The Herald-Sun.</i>	The Honorable William V. Bell, Mayor of the City of Durham, 101 City Hall Plaza, Durham, North Carolina 27701.	370086 G
North Carolina: Durham—(FEMA Docket No. D-7525).	Unincorporated Areas	June 4, 2002; June 11, 2002; <i>The Herald-Sun.</i>	Mr. Michael M. Ruffin, Durham County Manager, 200 East Main Street, 2nd Floor, Durham, North Carolina 27701.	370085 G
North Carolina: Wake—(FEMA Docket No. D-7529).	Town of Wake Forest	May 9, 2002; May 16, 2002; <i>The Wake Weekly.</i>	The Honorable George C. Mackie, Jr., Mayor of the Town of Wake Forest, 401 Elm Street, Wake Forest, North Carolina 27587.	370244 E
Ohio: Franklin—(FEMA Docket No. D-7527).	Unincorporated Areas	June 5, 2002; June 12, 2002; <i>Daily Reporter.</i>	Ms. Arline Shoemaker, President, Franklin County Board of Commissioners, 373 South High Street, 26th Floor, Columbus, Ohio 43215.	390167 G
Ohio: Franklin—(FEMA Docket No. D-7529).	City of Grove City	June 5, 2002; June 12, 2002; <i>Grove City Record.</i>	The Honorable Cheryl Grossman, Mayor of the City of Grove City, 4035 Broadway, Grove City, Ohio 43123.	390173 G
Ohio: Franklin—(FEMA Docket No. D-7527).	Village of Urbancrest	June 5, 2002; June 12, 2002; <i>Grove City Record.</i>	The Honorable Marlin R. West, Mayor of the Village of Urbancrest, 3357 Central Avenue, Urbancrest, Ohio 43123.	390893 G
Pennsylvania: Chester—(FEMA Docket No. D-7523).	Township of East Bradford	April 25, 2002; May 2, 2002; <i>Daily Local News.</i>	Mr. John T. Jordan, Chairman of the Township of East Bradford Board of Supervisors, 666 Copeland School Road, West Chester, Pennsylvania 19380.	420276 D
Pennsylvania: Montgomery—(FEMA Docket No. D-7525).	Borough of Emsworth	May 29, 2002; June 5, 2002; <i>The Citizen.</i>	The Honorable Keith Johnston, Mayor of the Borough of Emsworth, 171 Center Avenue, Pittsburgh, Pennsylvania 15202.	420034 D
Pennsylvania: Allegheny—(FEMA Docket No. D-7527).	City of Pittsburgh	July 9, 2002; July 16, 2002; <i>Pittsburgh Post Gazette.</i>	The Honorable Thomas Murphy, Mayor of the City of Pittsburgh, 5th Floor, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219.	4200063

State and County	Location	Dates and name of newspaper where notice was published	Chief Executive officer of community	Effective date of modification	Community number
Puerto Rico (FEMA Docket No. D-7525).	Commonwealth	May 31, 2002; June 7, 2002; <i>The San Juan Star</i> .	The Honorable Sila Maria Calderon, Governor of the Commonwealth of Puerto Rico, Office of the Governor, P.O. Box 9020082, San Juan, Puerto Rico 00901.	September 6, 2002	720000 E
Rhode Island: Washington—(FEMA Docket No. D-7527).	Town of Westerly	June 19, 2002; June 26, 2002; <i>The Westerly Sun</i> .	Mr. Samuel Azzinaro, Westerly Town Council President, Westerly Town Hall, 45 Broad Street, Westerly, Rhode Island 02891.	June 12, 2002	445410 E
Tennessee: Fayette—(FEMA Docket No. D-7527).	Unincorporated Areas	May 22, 2002; May 29, 2002; <i>The Fayette Falcon</i> .	The Honorable Jim Voss, Mayor of Fayette County, P.O. Box 218, Somerville, Tennessee 38068.	August 28, 2002	470352 B
Tennessee: Sumner and Davison—(FEMA Docket No. D-7525).	City of Goodlettsville	August 5, 2002; August 12, 2002; <i>The Tennessean</i> .	The Honorable Bobby T. Jones, Mayor of the City of Goodlettsville, 105 South Main Street, Goodlettsville, Tennessee 37072.	November 22, 2002	470287 F
Virginia: Augusta—(FEMA Docket No. D-7527).	Unincorporated Areas	May 28, 2002; June 4, 2002; <i>The Daily News Record</i> .	Mr. Patrick J. Coffield, Augusta County Administrator, P.O. Box 590, Verona, Virginia 24482-0590.	September 3, 2002	510013 B
Virginia: Henrico—(FEMA Docket No. D-7527).	Unincorporated Areas	July 19, 2002; July 26, 2002; <i>The Richmond Times</i> .	Mr. James B. Donati, Jr., Chairman of the Henrico County Board of Supervisors, P.O. Box 27032, Richmond, Virginia 23273.	October 25, 2002	510077 B
Virginia: Loudoun—(FEMA Docket No. D-7525).	Unincorporated Areas	June 12, 2002; June 19, 2002; Loudoun Times Mirror.	Mr. Kirby Bowers, Loudoun County Administrator, 1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, Virginia 20177-7000.	June 3, 2002	510090 D
Virginia: Loudoun—(FEMA Docket No. D-7525).	Unincorporated Areas	May 15, 2002; May 22, 2002; <i>Loudoun Times Mirror</i> .	Mr. Kirby Bowers, Loudoun County Administrator, 1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, Virginia 20177-7000.	August 21, 2002	510090 D

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Dated: December 31, 2002.

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[FR Doc. 03-607 Filed 1-10-03; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each 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).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final 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 table below.

FOR FURTHER INFORMATION CONTACT: Michael M. Grimm, Acting Chief, Hazard Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (email) mike.grimm@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed

determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

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 Administrator, Federal Insurance and Mitigation Administration, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final 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 final 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 67

Administrative practice and procedure, flood insurance, reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is 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.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of Flooding and Location	#Depth in feet above ground. +Elevation in feet (NGVD) ●Elevation in feet (NAVD)
DELAWARE	
Kent County (Unincorporated Areas) (FEMA Docket No. D-7536)	
<i>Andrews Lake:</i>	
Approximately 1,525 feet downstream of Andrews Lake Road	*9
Approximately 1.25 miles upstream of Andrews Lake Road	*22
Kent County (Unincorporated Areas)	
<i>Beaverdam Ditch:</i>	
At confluence with Tidy Island Creek	*46
Approximately 90 feet upstream of Taraila Road	*57
Kent County (Unincorporated Areas)	
<i>Browns Branch North:</i>	
At the downstream side of the northbound lane of U.S. Route 13	*42
At the downstream side of the southbound lane of U.S. Route 13	*43
Kent County (Unincorporated Areas)	
<i>Browns Branch South:</i>	
At Route 431	*41
Approximately 1.04 miles upstream of Route 431	*48
Kent County (Unincorporated Areas), City of Dover	
<i>Cahoon Branch:</i>	
At confluence with Maidstone Branch	*32
Approximately 50 feet downstream of Navit Road	*58
Kent County (Unincorporated Areas)	
<i>Choptank River:</i>	
Approximately 1.33 miles downstream of Still Road ..	*22
Approximately 0.5 mile upstream of confluence of Culbreth Marsh Ditch	*37
Kent County (Unincorporated Areas)	
<i>Coursey Pond:</i>	
Approximately 1,030 feet downstream of Canterbury Road	*9
Approximately 1.3 miles upstream of Canterbury Road	*13
Kent County (Unincorporated Areas)	
<i>Cow Marsh Creek:</i>	
At confluence with Choptank River	*26