

### Operation and Maintenance

Operation and maintenance (O&M) activities at the Site include annual groundwater monitoring and an annual inspection. The annual inspection looks at the condition of a variety of items to ensure they are operating as intended so the remedy remains protective. Items inspected include: Site security and access (fences, gates, locks, and roads); the landfill surface, including both capped and uncapped areas; monitoring wells; the riverbank, looking for evidence of storm damage or erosion; and the replacement pond.

Groundwater monitoring data show a clear overall downward trend in contaminant levels. The levels of some contaminants in some wells (notably lead and benzene in MW-4) remain sufficiently high to merit continued monitoring. EPA will continue groundwater monitoring until all compounds are at levels that allow for unlimited use and unrestricted exposure.

### Five-Year Review

In 1996, EPA conducted its first Five-Year Review of the Site to determine if the remedy was protective of human health and the environment. There were two known deficiencies that affected the protectiveness of the remedy at the time of the Five-Year Review: (1) The institutional controls called for in the RODs were not yet fully implemented; and (2) there were unresolved issues related to who would perform O&M at the Site and for how long. Because of these deficiencies, EPA concluded that the remedy was not protective at that time. EPA conducted its second Five-Year Review in 2001. Progress had been made on resolving the two deficiencies, but they were still present. EPA again concluded the remedy was not protective at that time. Both deficiencies have since been resolved, and EPA has since concluded that the remedy is fully protective of human health and the environment.

Since waste is being left in place at the landfill, EPA will continue to conduct Five-Year Reviews at the Site. The next Five-Year Review is scheduled for October 2006.

### Site Redevelopment

The Site has limited commercial redevelopment potential, but would make an excellent park, nature preserve, or open space greenway, subject to compliance with the institutional controls and operation and maintenance requirements. The landfill waste remains in place and must not be disturbed by construction activities. No

wells, except monitoring wells, may be drilled in the landfill area. EPA and DNREC will review the safety of any proposed redevelopment.

### Community Involvement

Public participation activities have been satisfied as required in CERCLA § 113(k), 42 U.S.C. 9613(k), and CERCLA § 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the deletion from the NPL are available to the public in the information repositories.

### V. Deletion Action

One of the criteria for site deletion, set forth in § 300.425(e)(1)(i) of the NCP, specifies that EPA may delete a site from the NPL if “[r]esponsible parties or other persons have implemented all appropriate response actions required.” EPA, with the concurrence of the State of Delaware, believes that this criterion has been met. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective March 14, 2003 unless EPA receives adverse comments by February 12, 2003 on this notice or the parallel notice of intent to delete published in the “Proposed Rules” section of today’s **Federal Register**. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect. EPA will also prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: December 20, 2002.

**Donald S. Welsh,**

*Regional Administrator, EPA Region III.*

For the reasons set out in the preamble, 40 CFR Part 300 is amended as follows:

### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

### Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended under Delaware (“DE”) by removing the site entry for “Wildcat Landfill, Dover.”

[FR Doc. 03–515 Filed 1–10–03; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 65

[Docket No. FEMA–D–7533]

### 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) (FIRMs) 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 90 days in which to request through the community that the Administrator 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 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](mailto:mike.grimm@fema.gov).

**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 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 National Flood Insurance Program. 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 Pmodification	Community No.
Alabama: Madison .....	City of Madison .....	November 20, 2002; November 27, 2002; <i>Madison County Record</i> .	The Honorable Jan Wells, Mayor of the City of Madison, 100 Hughes Road, Madison, Alabama 35758.	November 12, 2002 .....	010308 D
Florida: Polk .....	Unincorporated Areas .....	October 16, 2002; October 23, 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.	January 22, 2003 .....	120261 F
Massachusetts: Barnstable	Town of Falmouth .....	October 29, 2002; November 5, 2002; <i>Cape Cod Times</i> .	Mr. Robert L. Whritenour, Jr., Falmouth Town Administrator, 59 Town Hall Square, Falmouth, Massachusetts 02540.	October 22, 2002 .....	255211 F
Minnesota: Hennepin .....	City of Golden Valley .....	November 21, 2002; November 28, 2002; <i>Sun-Post</i> .	The Honorable Linda Loomis, Mayor of the City of Golden Valley, Golden Valley City Hall, 7800 Golden Valley Road, Golden Valley, Minnesota 55427.	November 12, 2002 .....	270162
Mississippi: Rankin .....	Unincorporated Areas .....	November 27, 2002; December 4, 2002; <i>Rankin County News</i> .	Mr. Ken Martin, President of the Rankin County Board of Supervisors, 211 East Government Street, Brandon, Mississippi 39042.	November 20, 2002 .....	280142 C
New Hampshire: Grafton ..	Town of Plymouth .....	November 14, 2002; <i>The Record Enterprise</i> .	Mr. John Tucker, Chairman of the Town of Plymouth, Board of Selectmen, Plymouth Town Hall, 6 Post Office Square, Plymouth, Massachusetts 03264.	December 14, 2002 .....	330072 C
New Jersey: Atlantic .....	City of Brigantine .....	November 29, 2002; December 6, 2002 <i>Beachcomer News</i> .	Mr. George McDermott, Brigantine City Manager, Brigantine Municipal Building, 1417 West Brigantine Avenue, Brigantine, New Jersey 08203.	November 20, 2002 .....	345286 B
New York: Herkimer .....	Village of Herkimer .....	November 15, 2002; <i>Evening Telegram</i> .	The Honorable Mark Ainsworth, Mayor of the Village of Herkimer, 120 Green Street, Herkimer, New York 13350.	May 5, 2003 .....	360307 C
Pennsylvania: Lackawanna	Borough of Blakely .....	October 25, 2002; November 1, 2002; <i>Scranton Times</i> .	The Honorable Robert Klinko, Mayor of the Borough of Blakely, 6262 Jenkins Street, Peckville, Pennsylvania 18452.	October 16, 2002 .....	420525 A
Virginia: Fauquier .....	Unincorporated Areas .....	November 7, 2002; November 14, 2003; <i>Fauquier Citizen</i> .	Mr. G. Robert Lee, Fauquier County Administrator, 40 Culpeper Street, Warrenton, Virginia 20186.	February 13, 2003 .....	510055 A
Virginia: Fauquier .....	Unincorporated Areas .....	November 14, 2002; November 21, 2002; <i>Fauquier Citizen</i> .	Mr. G. Robert Lee, Fauquier County Administrator, 40 Culpeper Street, Warrenton, Virginia 20816.	February 20, 2003 .....	510055 A

(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](mailto: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: