

*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 Mitigation Division Director of the Emergency Preparedness and Response Directorate 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)
<b>MAINE</b>	
<b>Beals (Town), Washington County (FEMA Docket No. D-7556)</b>	
<i>Atlantic Ocean:</i>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
At Alley Point, approximately 2,700 feet west of the intersection of Black Duck Cove Road and Carver Industry Road .....	*14
Approximately 800 feet southeast of the end of Black Field Road .....	*13
<b>Maps available for inspection</b> at the Beals Town Office, 11 Big Pond Road, Beals, Maine.	
<b>PENNSYLVANIA</b>	
<b>College (Township), Centre County (FEMA Docket No. D-7548)</b>	
<i>Cedar Run:</i>	
Approximately 60 feet upstream of the confluence with Spring Creek .....	*1,036
At upstream corporate limits	*1,078
<b>Maps available for inspection</b> at the College Township Municipal Building, 1481 East College Avenue, State College, Pennsylvania.	
<b>Ferguson (Township), Centre County (FEMA Docket No. D-7558)</b>	
<i>Big Hollow Run:</i>	
Approximately 700 feet downstream of Corl Street	*1,098
Approximately 525 feet downstream of Corl Street	1,099
<b>Maps available for inspection</b> at the Ferguson Township Municipal Building, 3147 Research Drive, State College, Pennsylvania.	
<b>Harris (Township), Centre County (FEMA Docket No. D-7548)</b>	
<i>Cedar Run:</i>	
Approximately 2,680 feet downstream of the railroad	*1,078
Approximately 125 feet upstream of Rock Hill Road ..	*1,114
<i>Mackey's Run:</i>	
At the confluence with Cedar Run .....	*1,105
Approximately 217 feet upstream of Rock Hill Road ..	*1,108
<i>Spring Creek:</i>	
At the corporate limits, coincident with Mary Elizabeth Street .....	*1,056
<b>Maps available for inspection</b> at the Harris Township Municipal Office, 224 East Main Street, Boalsburg, Pennsylvania.	
<b>WEST VIRGINIA</b>	
<b>Oceana (Town), Wyoming County (FEMA Docket No. D-7556)</b>	
<i>Clear Fork:</i>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
Approximately 330 feet downstream of corporate limits .....	*1,239
At upstream corporate limits	*1,292
<i>Laurel Fork:</i>	
At confluence with Clear Fork	*1,265
At the upstream of corporate limits .....	*1,278
<b>Maps available for inspection</b> at the Oceana Town Hall, Route 10, Cook Parkway, Oceana, West Virginia.	

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

Dated: June 18, 2003.

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*

[FR Doc. 03-16291 Filed 6-26-03; 8:45 am]

**BILLING CODE 6718-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**Final Flood Elevation Determinations**

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

**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).

**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:** Mary Jean Pajak, P.E., FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-2831.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate, has resolved any appeals resulting from this notification.

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 Mitigation Division Director of the Emergency Preparedness and Response Directorate 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.

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**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:

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**§ 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)
<b>ILLINOIS</b>	
<b>St. Clair County (FEMA Docket No. D-7534)</b>	
<i>Silver Creek:</i>	
Approximately 12,000 feet upstream of the confluence with Kaskaskia River .....	*396
Approximately 1.25 miles upstream of Lebanon Loyett Road .....	*451
<b>St. Clair County (Unincorporated Areas), City of Mascoutah, City of Lebanon</b>	
<i>Hog River:</i>	
At the confluence with Silver Creek .....	*418
Just upstream of Union Street .....	*418
<b>St. Clair County (Unincorporated Areas), City of Mascoutah</b>	
<i>Loop Creek:</i>	
At the confluence with Silver Creek .....	*418
Approximately 1.5 miles upstream of confluence with Silver Creek .....	*421
<b>St. Clair County (Unincorporated Areas)</b>	
<i>Little Silver Creek:</i>	
At the confluence with Silver Creek .....	*429
Approximately 1,500 feet upstream of confluence with Silver Creek .....	*432

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
<b>St. Clair County (Unincorporated Areas)</b>	
<i>Ogles Creek:</i>	
At the confluence with Silver Creek .....	*449
Approximately 265 feet upstream of Old Collinsville Road .....	*551
<i>Wolf Branch:</i>	
Approximately 1,700 feet upstream of confluence with Richland Creek .....	*500
Approximately 920 feet upstream of unnamed road ...	*538
<i>Schoenberger Creek:</i>	
Approximately at North 89th Street .....	*437
Approximately 1,500 feet upstream of State Route 161 .....	*482
<i>Kaskaskia River:</i>	
At downstream corporate limits of Village of New Athens .....	*395
Approximately 0.78 mile upstream of Illinois Central Railroad crossing .....	*396
<b>Village of New Athens</b>	
<i>Ponding Areas:</i>	
Between Illinois Terminal Railroad and Camp Jackson Road .....	*404
Approximately 20 feet south of the intersection of Fox Meadow Lane and Paris Avenue .....	*404
<b>Village of Cahokia</b>	
At intersection of Sterling Place and Bermuda Avenue .....	*422
At intersection of Countryside Drive and Acorde Drive .....	*422
North of Harding Ditch, west of Black Lane .....	*418
Approximately 1,000 feet northwest of intersection with Interstate Route 64 and State Route 157 .....	*422
<b>Village of Caseyville</b>	
Between Interstate 255 and State Route 157 .....	*411
Approximately 600 feet southeast of the intersection of Pocket Road and State Route 15 and Missouri Avenue .....	*411
<b>Village of Alorton</b>	
At the intersection of Lake Drive and East Side Levee and Sanitary Canal District ...	*414
At the intersection of Bellevue Avenue and North 80th Street .....	*414
Approximately 1,000 feet west of the intersection of State Route 15 (New Missouri Avenue and Harding Ditch) .....	*411

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
<p align="center"><b>City of Centreville</b></p> <p>Approximately 1,000 feet west of Collinsville Road .....</p>	*403	<p>At intersection of North 82nd Street and Bunkum Road .....</p> <p>At intersection of Rock Springs Road and McKinley Avenue .....</p>	*422 *415	<p align="center"><b>Village of Caseyville</b></p> <p><b>Maps available for inspection</b> at the Caseyville Village Hall, 10 West Morris Street, Caseyville, Illinois.</p>	
<p align="center"><b>Village of Fairmont City</b></p> <p>Approximately 700 feet east of the intersection of St. Clair Avenue and Louisville and Nashville Railroad .....</p>	*417	<p align="center"><b>St. Clair County (Unincorporated Areas), Village of Washington Park</b></p> <p>North of Old Cahokia Canal and south of County Road boundary .....</p>	*403	<p align="center"><b>City of Centreville</b></p> <p><b>Maps available for inspection</b> at the Centreville City Hall, 5800 Bond Avenue, Centreville, Illinois.</p>	
<p align="center"><b>Village of Washington Park</b></p> <p>Approximately 300 feet south of the intersection of St. Clair Avenue and Louisville and Nashville Railroad .....</p> <p>Approximately 500 feet north of the intersection of St. Clair Avenue and Louisville and Nashville Railroad .....</p>	*414 *414	<p align="center"><b>St. Clair County (Unincorporated Areas), Village of Fairmont</b></p> <p>Approximately 1,000 feet northeast of the intersection of Mullins Creek Road and Prairie du Pont Creek .....</p>	*418	<p align="center"><b>City of East St. Louis</b></p> <p><b>Maps available for inspection</b> at the East St. Louis Municipal Building, 301 River Park Drive, East St. Louis, Illinois.</p>	
<p align="center"><b>Village of Washington Park, City of East St. Louis</b></p> <p>Approximately 500 feet northwest of intersection of Summit Avenue and Michigan Avenue .....</p> <p>Approximately 300 feet northeast of the intersection of Louisville and Nashville Railroad and Kings Highway (State Route 50) .....</p> <p>Approximately 400 feet east of intersection of Ohio Avenue and North 62nd Street .....</p> <p>Intersection of Marybelle Avenue and North 70th Street ....</p> <p>Approximately 500 feet southwest of intersection of State Street and Terrace Drive .....</p> <p>Approximately 600 feet south of intersection of St. Clair Avenue and North 47th Street ....</p>	*414 *415 *414 *418 *414 *414	<p>South of Cahokia Canal, north of CSX Transportation and southwest of Old Cahokia Canal .....</p> <p>Approximately 1,000 feet east of the intersection of Rock Springs Road and St. Clair Avenue .....</p> <p>Approximately 750 feet west of the intersection of Lake Drive and North 88th Street .....</p> <p>Approximately 400 feet south of the intersection of U.S. Route 255 County Route 3 .....</p>	*403 *415 *414 *404	<p align="center"><b>Village of Fairmont City</b></p> <p><b>Maps available for inspection</b> at the Fairmont City Village Hall, 2601 North 41st Street, Fairmont City, Illinois.</p> <p align="center"><b>City of Fairview Heights</b></p> <p><b>Maps available for inspection</b> at the City of Fairview Heights Municipal Building, 10025 Bunkum Road, Fairview Heights, Illinois.</p>	
<p align="center"><b>City of East St. Louis</b></p> <p>North of Cahokia Canal, west of Madison Road east of Industrial Avenue .....</p> <p>Approximately 1,000 feet west of the intersection of Collinsville Road and Cookson Road .....</p> <p>At intersection of Site Road and Park Road .....</p> <p>Approximately 400 feet east of intersection of Pocket Road and Site Road .....</p> <p>At intersection of Park Drive and Major Street .....</p> <p>Approximately 800 feet west of intersection of Stowers Road and Bernia Street .....</p>	*407 *403 *411 *411 *418 *421	<p align="center"><b>St. Clair County (Unincorporated Areas)</b></p> <p><i>Ponding Areas (along Harding Ditch):</i></p> <p>Approximately 700 feet southeast of the intersection of State Route 157 and Carol Street .....</p>	*411	<p align="center"><b>City of Lebanon</b></p> <p><b>Maps available for inspection</b> at the Lebanon City Hall, 312 West St. Louis Street, Lebanon, Illinois.</p> <p align="center"><b>City of Mascoutah</b></p> <p><b>Maps available for inspection</b> at the Mascoutah City Hall, #3 West Main Street, Mascoutah, Illinois.</p>	
<p align="center"><b>St. Clair County (Unincorporated Areas)</b></p> <p>At intersection of Watts Street and Brinson Drive .....</p> <p>Approximately 0.5 mile east of intersection of Watts Street and Brinson Drive .....</p> <p>At intersection of Caseyville Road and Bunkum Road .....</p>	*418 *418 *418	<p align="center"><b>St. Clair County (Unincorporated Areas)</b></p> <p align="center"><b>Village of Alorton</b></p> <p><b>Maps available for inspection</b> at the Alorton Village Hall, 4821 Bond Avenue, Alorton, Illinois.</p> <p align="center"><b>City of Belleville</b></p> <p><b>Maps available for inspection</b> at the Belleville Department of Economic Development &amp; Planning, 101 South Illinois Street, Belleville, Illinois.</p> <p align="center"><b>Village of Cahokia</b></p> <p><b>Maps available for inspection</b> at the Cahokia Code Enforcement Department, 201 West 4th Street, Cahokia, Illinois</p>		<p align="center"><b>Village of New Athens</b></p> <p><b>Maps available for inspection</b> at the New Athens Village Hall, 905 Spotsylvania Street, New Athens, Illinois.</p> <p align="center"><b>St. Clair County (Unincorporated Areas)</b></p> <p><b>Maps available for inspection</b> at the St. Clair County Department of Building and Zoning, 10 Public Square, Belleville, Illinois.</p> <p align="center"><b>Village of Swansea</b></p> <p><b>Maps available for inspection</b> at the Swansea Government Center, 1400 North Illinois Street, Swansea, Illinois.</p>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
<p align="center"><b>Village of Washington Park</b></p> <p><b>Maps available for inspection</b> at the Washington Park Village Hall, 5218 North Park Drive, Washington Park, Illinois.</p>		<p align="center"><b>Allen County (Unincorporated Areas), City of Fort Wayne</b></p> <p align="center"><b>Allen County (Unincorporated Areas)</b></p> <p><b>Maps available for inspection</b> at the Allen County Planning Service Department, 1 East Main Street, Room 630, City/County Building, Fort Wayne, Indiana.</p>		<p>At the confluence with Eutacutachee Creek ..... •355</p> <p>Approximately 100 feet upstream of Gulde-Shiloh Road ..... •390</p>	
<p align="center"><b>INDIANA</b></p>				<p align="center"><b>Rankin County (Unincorporated Areas)</b></p> <p><i>Prairie Branch Tributary 1:</i></p> <p>At the confluence with Prairie Branch Canal ..... •279</p> <p>Approximately 800 feet upstream of U.S. Highway 475 ..... •284</p>	
<p><b>Allen County (FEMA Docket No. D-7534)</b></p>				<p align="center"><b>City of Flowood</b></p> <p><i>Pelahatchie Bay Unnamed Tributary:</i></p> <p>At Pearl River Valley Water Supply District corporate limits ..... •307</p> <p>Approximately 510 feet upstream of Pearl River Valley Water Supply District corporate limits ..... •307</p>	
<p><i>Cedar Creek:</i></p>		<p align="center"><b>City of Fort Wayne</b></p> <p><b>Maps available for inspection</b> at the Fort Wayne Planning Department, 1 Main Street, 8th Floor, City/County Building, Fort Wayne, Indiana.</p>			
<p>Approximately 0.5 mile upstream of State Route 1 .... *779</p>					
<p>Approximately 790 feet downstream of North County Line Road ..... *816</p>		<p align="center"><b>Town of Leo-Cedarville</b></p> <p><b>Maps available for inspection</b> at the Leo-Cedarville Town Office, 14435 State Road One, Leo, Indiana.</p>			
<p align="center"><b>Allen County (Unincorporated Areas), Town of Leo-Cedarville</b></p>				<p align="center"><b>Rankin County (Unincorporated Areas)</b></p> <p><i>Pearl River Tributary 2:</i></p> <p>At upstream side of Old U.S. Highway 49 ..... + 270</p> <p>Approximately 0.4 mile upstream of U.S. Highway 49 ..... + 270</p>	
<p><i>Little Cedar Creek:</i></p>				<p align="center"><b>City of Richland</b></p> <p><i>Woodrun Creek:</i></p> <p>Approximately 175 feet downstream of Interstate Route 20 ..... + 337</p> <p>Approximately 125 feet upstream of Mississippi Salvage Road ..... + 360</p>	
<p>At the confluence with Cedar Creek ..... *812</p>					
<p>Approximately 0.41 mile upstream of Fitch Road ..... *819</p>		<p align="center"><b>MISSISSIPPI</b></p>			
<p align="center"><b>Allen County (Unincorporated Areas)</b></p>		<p align="center"><b>Rankin County</b></p> <p><i>Eutacutachee Creek:</i></p> <p>Approximately 250 feet from the confluence of Pelahatchie Creek ..... •333</p> <p>Approximately 760 feet upstream of International Paper Road ..... •387</p>			
<p><i>Maumee River:</i></p>					
<p>At a point approximately 0.3 mile downstream of Scipio Road ..... *725</p>		<p align="center"><b>Rankin County (Unincorporated Areas)</b></p> <p><i>Eutacutachee Creek Tributary 1:</i></p> <p>At the confluence with Eutacutachee Creek ..... •360</p> <p>Approximately 7,070 feet upstream of the confluence with Eutacutachee Creek .. •383</p>			
<p>At a point approximately 0.2 mile downstream of Bruick Road ..... *745</p>					
<p align="center"><b>Allen County (Unincorporated Areas)</b></p>		<p align="center"><b>Rankin County (Unincorporated Areas)</b></p> <p><i>Eutacutachee Creek Tributary 2:</i></p> <p>At the confluence with Eutacutachee Creek ..... •372</p> <p>Approximately 4,763 feet upstream of the confluence with Eutacutachee Creek .. •380</p>		<p align="center"><b>City of Brandon, City of Pearl</b></p> <p><i>Terrapin Skin Creek:</i></p> <p>Approximately 0.5 mile downstream of North Deer Ridge ..... + 371</p> <p>Approximately 0.7 mile upstream of North Deer Ridge ..... + 395</p>	
<p><i>St. Joseph River:</i></p>					
<p>At a point approximately 0.85 mile upstream of Halter Road ..... *779</p>					
<p>Approximately 0.2 mile upstream of Roth Road ..... *788</p>		<p align="center"><b>Rankin County (Unincorporated Areas)</b></p> <p><i>Eutacutachee Creek Tributary 3:</i></p> <p>At the confluence with Eutacutachee Creek ..... •360</p> <p>Approximately 0.7 mile upstream of Rankin Road .... •387</p>		<p align="center"><b>Rankin County (Unincorporated Areas), City of Brandon</b></p> <p><i>Hog Creek:</i></p> <p>Approximately 650 feet upstream of State Route 475 ..... + 371</p> <p>Approximately 200 feet upstream of State Highway 468 ..... + 395</p>	
<p align="center"><b>Allen County (Unincorporated Areas), City of Fort Wayne</b></p>					
<p><i>St. Marys River:</i></p>		<p align="center"><b>Rankin County (Unincorporated Areas)</b></p> <p><i>Eutacutachee Creek Tributary 4:</i></p> <p>At the confluence with Eutacutachee Creek ..... •360</p> <p>Approximately 0.7 mile upstream of Rankin Road .... •387</p>		<p align="center"><b>City of Flowood</b></p> <p><i>Richland Creek:</i></p> <p>Approximately 1.4 miles upstream of State Highway 471 ..... + 344</p> <p>Approximately 1.0 mile upstream of U.S. Highway 80 ..... + 373</p>	
<p>Approximately 530 feet upstream of Hoagland Road ..... *775</p>					
<p>Approximately 0.5 mile upstream of Hoagland Road ..... *775</p>					
<p align="center"><b>Allen County (Unincorporated Areas)</b></p>					
<p><i>Fairfield/Harber Ditch:</i></p>					
<p>Approximately 0.1 mile upstream of Norfolk Southern Railway ..... *763</p>					
<p>Approximately 0.26 mile upstream of Lower Huntington Road ..... *773</p>					

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
<b>Rankin County (Unincorporated Areas), City of Brandon</b>	
<i>Pelahatchie Creek Tributary 1:</i> Just upstream of State Route 43 ..... Approximately 375 feet upstream of Ragan Road .....	+ 351 + 370
<b>Town of Pelahatchie</b> <i>Pearl River Tributary 3:</i> Approximately 3,000 feet downstream of U.S. Highway 25 ..... Approximately 150 feet upstream of Flowood Drive ...	• 282 • 282
<b>City of Flowood</b> <b>Rankin County (Unincorporated Areas)</b> <b>Maps available for inspection</b> at the Rankin County Building, 211 East Government, Brandon, Mississippi.	
<b>City of Brandon</b> <b>Maps available for inspection</b> at the Brandon City Hall, 201 North College Street, Brandon, Mississippi.	
<b>City of Flowood</b> <b>Maps available for inspection</b> at the Flowood City Hall, 2101 Airport Road, Flowood, Mississippi.	
<b>City of Pearl</b> <b>Maps available for inspection</b> at the Pearl City Hall, 2420 Old Brandon Road, Pearl, Mississippi.	
<b>Town of Pelahatchie</b> <b>Maps available for inspection</b> at the Pelahatchie City Hall, 705 Second Street, Pelahatchie, Mississippi.	
<b>City of Richland</b> <b>Maps available for inspection</b> at the Richland City Hall, 380 Scarborough Street, Richland, Mississippi.	

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**45 CFR Part 146**

[CMS-2152-F]

RIN 0938-AL42

**Amendment to the Interim Final Regulation for Mental Health Parity**

**AGENCY:** Centers for Medicare & Medicaid Services, Department of Health and Human Services.

**ACTION:** Amendment to interim final regulation.

**SUMMARY:** This document contains an amendment to the interim final regulation that implements the Mental Health Parity Act (MHPA) to conform the sunset date of the regulation to the sunset date of the statute under legislation passed by the 107th Congress.

**DATES:** *Effective date:* The amendment to the regulation is effective July 28, 2003.

*Applicability dates:* Under the amendment, the requirements of the MHPA interim final regulation apply to group health plans and health insurance issuers offering health insurance coverage in connection with a group health plan during the period commencing July 28, 2003 through December 30, 2003. Under the extended sunset date, MHPA requirements do not apply to benefits for services furnished on or after December 31, 2003.

**FOR FURTHER INFORMATION CONTACT:** Dave Mlawsky, Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, at 1-877-267-2323, ext. 61565.

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**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Mental Health Parity Act of 1996 (MHPA) was enacted on September 26, 1996 (Pub. L. 104-204). MHPA amended the Public Health Service Act (PHS Act) and the Employee Retirement Income Security Act of 1974 (ERISA) to provide for parity in the application of annual and lifetime dollar limits on mental health benefits with dollar limits on medical/surgical benefits. Provisions implementing MHPA were later added to the Internal Revenue Code of 1986 (Code) under the Taxpayer Relief Act of 1997 (Pub. L. 105-34).

The provisions of MHPA are set forth in Title XXVII of the PHS Act, Part 7 of Subtitle B of Title I of ERISA, and Chapter 100 of Subtitle K of the Code. The Secretaries of Health and Human Services, Labor, and the Treasury share jurisdiction over the MHPA provisions. These provisions are substantially similar, except as follows:

- The MHPA provisions in the PHS Act generally apply to health insurance issuers that offer health insurance coverage in connection with group health plans and to certain State and local governmental plans. States, in the first instance, enforce the PHS Act for issuers. Only if a State does not substantially enforce the MHPA provisions under its insurance laws will the Department of Health and Human Services enforce the provisions, through the imposition of civil money penalties. Moreover, no enforcement action may be taken by the Secretary of Health and Human Services against any group health plan except certain State and local governmental plans.

- The MHPA provisions in ERISA generally apply to all group health plans other than governmental plans, church plans, and certain other plans. These provisions also apply to health insurance issuers that offer health insurance coverage in connection with such group health plans. Generally, the Secretary of Labor enforces the MHPA provisions in ERISA, except that no enforcement action may be taken by the Secretary against issuers. However, individuals may generally pursue actions against issuers under ERISA and, in some circumstances, under State law.

- The MHPA provisions in the Code generally apply to all group health plans other than governmental plans, but they

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

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