

657), Secretary's Order 3-2000, and 29 CFR part 1911.

Signed at Washington, DC, this 21st day of November, 2002.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

[FR Doc. 02-29984 Filed 11-25-02; 8:45 am]

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## POSTAL SERVICE

### 39 CFR Part 501

#### Authorization To Manufacture and Distribute Postage Meters

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule clarifies and strengthens requirements for postage meter manufacturers to control what a postage meter allows the licensed user to print.

**DATES:** The Postal Service must receive your comments on or before December 26, 2002.

**ADDRESSES:** Mail or deliver written comments to the manager, Postage Technology Management, 1735 N. Lynn Street, Room 5011, Arlington, VA 22209-6370. You can view and copy all written comments at the same address between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Wayne Wilkerson, manager of Postage Technology Management, at 703-292-3782, or by fax at 703-292-4073.

**SUPPLEMENTARY INFORMATION:** Some postage meters and postage evidencing systems can print written or graphic matter in addition to a U.S. Postal Service-approved indicium-evidencing payment of United States postage. Written or graphic matter, other than Postal Service-approved indicia, printed by a meter or postage evidencing system, could convey a false impression that the Postal Service had approved the content of both the indicia and any additional printed matter. For this reason, the *Domestic Mail Manual* provides in P030.9.8 that such "printed matter may not be obscene, defamatory of any person or group, or deceptive, and it must not advocate any unlawful action." When 39 CFR 501.23(d) was adopted, meter stamps and other printed matter were printed with printing plates engraved for customers by the approved postage meter manufacturers. Accordingly, the responsibility for complying with the regulation clearly rested upon the approved meter manufacturer, and failure to comply with a postal meter

regulation could result, under 39 CFR 501.5, in the suspension or revocation of a manufacturer's approval to distribute postage meters. Manufacturers are now distributing Postal Service-approved postage meters and postage evidencing systems that employ digital printing technology. The proposed rule seeks to make clear that the approved manufacturers continue to be responsible for controlling the printing capabilities of their products in order to meet the requirements of the *Domestic Mail Manual*.

We will review any public comments and will issue a final rule amending the regulations. When this proposed rule is issued as a final rule, we will revise the *Domestic Mail Manual* to notify users of meters and postage evidencing systems that the meter manufacturers and providers are responsible for controlling what the user is allowed to print using the postage meter or postage evidencing system.

#### Notice and Comment

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed amendments to the *Code of Federal Regulations*.

#### List of Subjects in 39 CFR Part 501

Administrative practice and procedure, Postal Service.

For the reasons set out in this document, the Postal Service is proposing to amend 39 CFR part 501 as follows:

#### PART 501—AUTHORIZATION TO MANUFACTURE AND DISTRIBUTE POSTAGE METERS

1. The authority citation for part 501 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 410, 2601, 2605; Inspector General Act of 1978, as amended (Public Law 95-452, as amended); 5 U.S.C. App. 3.

2. § 501.23(d) is revised to read as follows:

##### § 501.23 Distribution controls.

Each authorized postage meter manufacturer must do the following:

\* \* \* \* \*

(d) Control all print capabilities of the postage meter or postage evidencing system, including printing of indicia and all other matter printed by the system, by supplying only meter slogans, ad plates, or other print capabilities that meet all Postal Service

requirements, including those for suitable quality and content.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 02-29939 Filed 11-25-02; 8:45 am]

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-P-7617]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the 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 comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed BFEs 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, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-2878 or (e-mail) [michael.grimm@fema.gov](mailto:michael.grimm@fema.gov).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, 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 proposed 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.

**National Environmental Policy Act**

This proposed 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 for Federal Insurance and Mitigation

Administration certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs 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 proposed 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 proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

**Executive Order 12778, Civil Justice Reform**

This proposed 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 proposed to be 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.

**§ 67.4 [Amended]**

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD)		Communities affected
	Existing	Modified	
Scioto River:			
Approximately 260 feet upstream of Trabue Road .....	*744	*743	(1)
Approximately 870 feet downstream of Frank Road/Highway 104 .....	*713	*714	
Barnes Ditch:			
At the confluence of Scioto River and Barnes Ditch .....	*737	735	
Approximately 800 feet upstream of McKinley Avenue .....	*737	*736	
Dry Run:			
At confluence of Scioto River and Dry Run .....	*731	*729	
Just downstream of culvert at Conrail crossing .....	*731	*729	

**Franklin County**

Maps are available for inspection at 280 East Broad Street, 2nd Floor, Columbus, Ohio 43215. Send comments to Mr. Dewey R. Stokes, President, Franklin County Board of Commissioners, 373 High Street, 26th Floor, Columbus, Ohio 43215.

**City of Columbus**

Send comments to the Honorable Michael B. Coleman, Mayor, City of Columbus, 90 West Broad Street, Room 247, Columbus, Ohio 43215-9015.

**Village of Marble Cliffs**

Send comments to The Honorable Frank G. Monaco, Mayor, Village of Marble Cliff, 1600 Fernwood Avenue, Columbus, Ohio 43212.

**City of Upper Arlington**

Maps are available for inspection at 3600 Tremont Road, Upper Arlington, Ohio 43221. Send comments to Mr. Richard King, City Manager, City of Upper Arlington, 3600 Tremont Road, Upper Arlington, Ohio 43221.

**City of Grandview Heights**

Send comments to The Honorable N. Colleen Sexton, Mayor, City of Grandview Heights, 1016 Grandview Avenue, Grandview Heights, Ohio 43212.

\* National Geodetic Vertical Datum.  
 1 Franklin County, OH (Unincorporated Areas), City of Columbus, OH, Village of Marble Cliff, OH, City of Upper Arlington, OH, City of Grandview Heights, OH, City of Columbus, OH.