Operation and Maintenance

Operation and Maintenance of all systems at the Site will be performed by Beazer under the direction of EPA.

Five-Year Review

No five-year review is required since no remedy has been selected under CERCLA section 121. Future response actions at the Site are expected to be taken pursuant to RCRA authority.

Community Involvement

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

V. Deletion Action

The EPA, with concurrence of the State of West Virginia, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions under CERCLA are necessary and that the Site meets the criteria for deleting RCRA Sites from the NPL. (60 FR 14641 dated March 20, 1995).

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 January 16, 2004 unless EPA receives adverse comments by December 17, 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. Alternatively, EPA will, as appropriate 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.

Donald S. Welsh,

Regional Administrator, Region III.

■ For the reasons set out in this document, 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 West Virginia by removing "Follansbee Site, Follansbee, WV."

[FR Doc. 03–28574 Filed 11–14–03; 8:45 am] BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA-P-7628]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security. **ACTION:** Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Division Director of the Emergency Preparedness and Response Directorate reconsider the changes. The modified BFEs may be changed during the 90-day period. **ADDRESSES:** The modified 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:

Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or 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 BFEs 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 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.

The changes in BFEs 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 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 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 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 news- paper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Benton (Case No. 02– 06–152P).	Unincorporated Areas.	Aug. 29, 2003; Sept. 5, 2003; Benton County Daily Record.	The Honorable Gary D. Black, Judge, Ben- ton County, 215 East Central, Bentonville, AR 72712.	Dec. 5, 2003	050419
Lonoke (Case No. 03– 06–676P).	City of Cabot	Aug. 20, 2003; Aug. 27, 2003; Cabot Star-Herald.	The Hon. Mickey D. Stumbaugh, Mayor, City of Cabot, 101 N. Second Street, P.O. Box 1113, Cabot, AR 72023.	Nov. 26, 2003	050309
Washington (Case No. 02–06–2147P).	City of Springdale	Aug. 20, 2003; Aug. 27, 2003; <i>The Morning</i> News.	The Honorable Jerre Van Hoose, Mayor, City of Springdale, 201 Spring Street, Springdale, AR 72764.	Nov. 26, 2003	050219
Illinois:		/vews.	opiniguale, Alt 12104.		
Will (Case No. 03–05– 0430P).	Village of Mokena	Aug. 7, 2003; Aug. 14, 2003; The Lincoln Way Sun.	The Honorable Robert Chiszar, Mayor, Vil- lage of Mokena, 11004 Carpenter Street, Mokena, IL 60448.	Nov. 13, 2003	170705
Will (Case No. 03–05– 2575P).	Village of Plain- field.	Sept. 10, 2003; Sept. 17, 2003; <i>The Enterprise</i> .	The Honorable Richard Rock, Mayor, Vil- lage of Plainfield, 24000 W. Lockport Street, Plainfield, IL 60544.	Aug. 20, 2003	170771
Will (Case No. 03–05– 0430P).	Unincorporated Areas.	Aug. 7, 2003; Aug. 14, 2003; <i>The Lincoln Way</i> <i>Sun</i> .	Mr. Joseph Mikan, Will County Executive, 302 North Chicago Street, Joliet, IL 60432.	Nov. 13, 2003	170695
Indiana: Marion (Case No. 03– 05–1461P).	City of Indianap- olis.	Sept. 22, 2003; Sept. 29, 2003; <i>The Indianapolis</i> <i>Star.</i>	The Honorable Barthen Peterson, Mayor, City of Indianapolis, 200 East Wash- ington Street, Suite 2501, City-County Building, Indianapolis, IN 46204.	Dec. 29, 2003	180159
Kansas: Sedgwick (Case No. 03–07–883P).	City of Derby	Sept. 5, 2003; Sept. 12, 2003; The Derby Re- porter.	The Honorable Dion Avello, Mayor, City of Derby, Derby City Hall, 611 Mulberry Road, Derby, KS 67037.	Dec. 12, 2003	200323
Riley (Case No. 03– 07–497P).	City of Manhattan	Sept. 5, 2003; Sept. 12, 2003; The Manhattan Mercury.	The Honorable Mark Taussig, Mayor, City of Manhattan, City Hall, 1101 Poyntz Av- enue, Manhattan, KS 66502–5497.	Dec. 12, 2003	200300
Johnson (Case No. 02–07–1011P).	City of Olathe	Jan. 21, 2003; Jan. 28, 2003; The Olathe News.	The Honorable Michael Copeland, Mayor, City of Olathe, 126 South Cherry, Olathe, KS 66061.	Apr. 29, 2003	200173
Michigan:					
Ingham Eaton, & Clin- ton (Case No. 03– 05–1475P).	City of Lansing	Sept. 5, 2003; Sept. 12, 2003; Lansing State Journal.	The Honorable Tony Benavides, Mayor, City of Lansing, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.	Dec. 12, 2003	260090
Jackson (Case No. 02–05–3653P).	Township of Sum- mit.	Sept. 23, 2003; Sept. 30, 2003; Jackson Citizen Patriot.	Mr. Russ Youngdahl, Supervisor, Township of Summit, 2121 Ferguson Road, Jack- son. MI 49203.	Sept. 2, 2003	260575
Missouri: St. Louis (Case No. 03–07–106P).	City of Hazelwood	Sept. 1, 2003; Sept. 8, 2003; St. Louis Post Dis- patch.	The Honorable T.R. Carr, Mayor, City of Hazelwood, 415 Elm Grove Lane, Hazel- wood, MO 63042–1917.	Aug. 19, 2003	290357
New Mexico:			wood, wo 03042-1317.		
Bernalillo (Case No. 03–06–1002P).	City of Albu- querque.	Aug. 29, 2003; Sept. 5, 2003; Albuquerque Jour- nal.	The Honorable Martin Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albu- querque, NM 87103.	Aug. 15, 2003	350002
Bernalillo (Case No. 03–06–445P).	City of Albu- querque.	Sept. 19, 2003; Sept. 26, 2003; Albuquerque Jour- nal.	The Honorable Martin Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albu- querque, NM 87103.	Sept. 8, 2003	350002
Bernalillo (Case No. 03–06–445P).	Unincorporated Areas.	Sept. 19, 2003; Sept. 26, 2003; Albuquerque Jour- nal.	Mr. Tom Rutherford, Chairman, Bernalillo County, One Civic Plaza, N.W., Albu- querque, NM 87102.	Sept. 8, 2003	350001
Dona Ana (Case No. 03–06–1210P).	City of Las Cruces.	Sept. 1, 2003; Sept. 8, 2003; Las Cruces Sun News.	The Hon. William M. Mattiace, Mayor, City of Las Cruces, P.O. Box 20000, Las Cruces, NM 88004.	Aug. 15, 2003	355332
Ohio:					

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State and county	Location	Dates and name of news- paper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Lorain (Case No. 03– 05–0530P).	City of Avon	Sept. 24, 2003; Oct. 1, 2003; The Morning Jour- nal.	The Honorable James A. Smith, Mayor, City of Avon, 36080 Chester Road, Avon, OH 44011–1588.	Sept. 15, 2003	39034
Oklahoma:	City of Louton	Aug. 1. 2002: Aug. 8	The Henerable Casil E. Bowell, Mayor, City	July 19, 2002	40004
Comanche (Case No. 03–06–076P).	City of Lawton	Aug. 1, 2003; Aug. 8, 2003; The Lawton Con- stitution.	The Honorable Cecil E. Powell, Mayor, City of Lawton, 103 Southwest 4th Street, Lawton, OK 73501.	July 18, 2003	40004
Oklahoma, (Case No. 03–06–1389P).	City of Oklahoma City.	Aug. 20, 2003; Aug. 27, 2003 The Daily Oklaho- man.	The Honorable Kirk Humphreys, Mayor, City of Oklahoma City, 200 North Walker, 3rd Floor, Oklahoma City, OK 73102.	Aug. 1, 2003	40537
Tulsa (Case No. 03– 06–1939P).	City of Tulsa	Sept. 23, 2003; Sept. 30, 2003; <i>Tulsa World</i> .	The Honorable Bill LaFortune, Mayor, City of Tulsa, City Hall, 200 Civic Center, Tulsa, OK 74103.	Dec. 30, 2003	40538
Texas:					
Taylor And Jones (Case No. 03–06– 198P).	City of Abilene	Aug. 18, 2003; Aug. 25, 2003; The Abilene Re- porter-News.	The Honorable Grady Barr, Mayor, City of Abilene, P.O. Box 60, Abilene, TX 79604.	Nov. 24, 2003	48545
Tarrant (Case No. 03– 06–1010P).	City of Arlington	Aug. 13, 2003; Aug. 20, 2003; Arlington Morning- News.	The Honorable Robert Cluck, Mayor, City of Arlington, 101 West Abram Street, Ar- lington, TX 76004.	July 22, 2003	48545
Jefferson (Case No. 02–06–2312P).	City of Beaumont	Aug. 13, 2003; Aug. 20, 2003; Beaumont Enter- prise.	The Honorable Evelyn M. Lord, Mayor, City of Beaumont, P.O. Box 3827, Beaumont, TX 77704.	Nov. 19, 2003	48545
Tarrant (Case No. 03– 06–1203P).	City of Fort Worth	Aug. 13, 2003; Aug. 20, 2003; The Star Telegram.	The Hon. Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102–6311.	Nov. 19, 2003	48059
Tarrant (Case No. 03– 06–276P).	City of Fort Worth	Aug. 22, 2003; Aug. 29, 2003; <i>The Star Telegram</i> .	The Hon. Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102–6311.	Nov. 28, 2003	48059
Tarrant (Case No. 03– 06–1206P).	City of Fort Worth	Aug. 22, 2003; Aug. 29, 2003; <i>The Star Telegram</i> .	The Hon. Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102–6311.	Nov. 28, 2003	48059
Tarrant (Case No. 03– 06–1202P).	City of Fort Worth	Aug. 29, 2003; Sept. 5, 2003; <i>The Star Telegram</i> .	The Hon. Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102–6311.	Dec. 5, 2003	48059
Williamson (Case No. 03–06–695P).	City of George- town.	Aug. 20, 2003; Aug. 27, 2003; <i>Williamson County</i> Sun.	The Honorable Gary Nelon, Mayor, City of Georgetown, P.O. Box 409, Georgetown, TX 78627.	Nov. 26, 2003	48066
Tarrant (Case No. 03– 06–1214P).	City of Hurst	July 25, 2003; Aug. 1, 2003; The Star Telegram.	The Honorable William D. Souder, Mayor, City of Hurst, 1505 Precinct Line Road, Hurst, TX 76054–3302.	Oct. 31, 2003	48060
Kaufman (Case No. 03–06–1932P).	Unincorporated Areas.	Sept. 9, 2003; Sept. 16, 2003; <i>The Terrell Trib-</i> une.	The Honorable Wayne Gent, Judge, Kauf- man County, 100 West Mulberry Street, Kaufman, TX 75142.	Dec. 16, 2003	48041
Hays (Case No. 03– 06–1537P).	City of Kyle	Sept. 3, 2003; Sept. 10, 2003; <i>The Kyle Eagle</i> .	The Honorable James L. Adkins, Mayor, City of Kyle, 102 Briarwood Circle, Kyle, TX 78640.	Aug. 18, 2003	48110
Dallas (Case No. 03– 06–1543P).	City of Mesquite	Aug. 28, 2003; Sept. 4, 2003; Mesquite Morning News.	The Honorable Mike Anderson, Mayor, City of Mesquite, P.O. Box 850137, Mesquite, TX 75185.	Dec. 4, 2003	48549
Bexar (Case No. 03– 06–683P).	City of San Anto- nio.	July 24, 2003; July 31, 2003; San Antonio Ex- press News.	The Honorable Ed Garza, Mayor, City of San Antonio, P.O. Box 839966, San An- tonio, TX 78283–3966.	July 14, 2003	48004
Bexar (Case No. 02– 06–1947P).	City of San Anto- nio.	Jan. 24, 2003; Jan. 31, 2003; San Antonio Ex- press News.	The Honorable Ed Garza, Mayor, City of San Antonio, P.O. Box 839966, San An- tonio, TX 78283.	May 2, 2003	48004
Kaufman (Case No. 03–06–1932P).	City of Terrell	Sept. 9, 2003; Sept. 16, 2003; The Terrell Trib- une.	The Honorable Frances Anderson, Mayor, City of Terrell, 201 East Nash Street, Terrell, TX 75160.	Dec. 16, 2003	48041
Williamson (Case No. 03–06–695P).	Unincorporated Areas.	Aug. 20, 2003; Aug. 27, 2003; Williamson County Sun.	The Honorable John C. Doerfler, Judge, Williamson County, 710 Main Street, Suite 201, Georgetown, TX 78626.	Nov. 26, 2003	48107
Wisconsin:					
Washington (Case No. 03–05–1465P).	Village of Ger- mantown.	Aug. 20, 2003; Aug. 27, 2003; Germantown Ban- ner-Press.	Mr. Charles J. Hargan, President, Village of Germantown, P.O. Box 337, German- town, WI 53022.	Aug. 11, 2003	55047

Dated: November 4, 2003. (Catalogue of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate. [FR Doc. 03–28639 Filed 11–14–03; 8:45 am] BILLING CODE 9910–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security. **ACTION:** Final rule.

SUMMARY: Modified Base (1% annualchance) Flood Elevations (BFEs) 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 BFEs are indicated on the table below and revise the Flood Insurance Rate Maps ((FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified 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:

Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

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.

The modified BFEs 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 BFE 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 BFEs 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 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 modified BFEs 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 BFEs 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 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 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 news- paper where notice was published	Chief executive officer of community	Effective date of modi- fication	Community No.
California: Alameda (Case No. 02–09–542P) (FEMA Docket No. P7624).	City of Hayward	Feb. 21, 2003, Feb. 28, 2003; The Daily Review.	The Hon. Roberta Cooper, Mayor, City of Hayward, 777 B Street, Hayward, CA 94541.	Feb. 10, 2003	065033
Illinois: Will (Case No. 02–05– 3078P) (FEMA Docket No. P7624).	Village of Bolingbrook.	Apr. 10, 2003, Apr. 17, 2003; The Bolingbrook Sun.	The Honorable Roger Claar, Mayor, Village of Bolingbrook, 375 West Briarcliff Road, Bolingbrook, IL 60440.	July 17, 2003	170812