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**DEPARTMENT OF HOMELAND
 SECURITY**

**Federal Emergency Management
 Agency**

44 CFR Part 65

**Changes in Flood Elevation
 Determinations**

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

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:
 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 of modified base flood elevations
 for each community listed. These
 modified elevations have been
 published in newspapers of local 2
 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 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 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 newspaper where notice was published | Chief executive officer of community | Effective date of modification | Community No. |
|--|-----------------------|--|---|--------------------------------|---------------|
| Connecticut: New Haven (FEMA Docket No. D-7531). | City of Milford | Oct. 9, 2002, Oct. 16, 2002, <i>New Haven Register</i> . | The Honorable James L. Richetelli, Mayor of the City of Milford, City Hall, 110 River Street, Milford, Connecticut 06460. | Jan. 15, 2003 | 090082 F |

| State and county | Location | Dates and name of newspaper where notice was published | Chief executive officer of community | Effective date of modification | Community No. |
|--|----------------------------|---|---|--------------------------------|---------------|
| Maryland: Frederick (FEMA Docket No. D-7535). | City of Frederick | Oct. 18, 2002, Oct. 25, 2002, <i>Frederick News Post</i> . | The Honorable Jennifer P. Dougherty, Mayor of the City of Frederick, 101 North Court Street, Frederick, Maryland 21701. | Jan. 24, 2003 | 240030 B |
| North Carolina: Buncombe (FEMA Docket No. D-7531). | City of Ashville ... | Oct. 9, 2002, Oct. 16, 2002, <i>The Asheville Citizen-Times</i> . | The Honorable Charlie Worley, Mayor of the City of Asheville, P.O. Box 7148, Asheville, North Carolina 28802. | Jan. 15, 2003 | 370032 C |
| Pennsylvania: Allegheny (FEMA Docket No. D-7531). | Township of Moon. | Oct. 9, 2002, Oct. 16, 2002, <i>Moon Record Star</i> . | Mr. Gregory S. Smith, Manager of Moon Township, 1000 Beaver Grade Road, Moon, Pennsylvania 15108. | Jan. 14, 2003 | 421082 E |
| Allegheny (FEMA Docket No. D-7531). | Township of North Fayette. | Oct. 9, 2002, Oct. 16, 2002, <i>Moon Record Star</i> . | Mr. Robert T. Grimm, Manager of the Township of North Fayette, 400 North Branch Road, Oakdale, Pennsylvania 15071. | Jan. 14, 2003 | 421085 E |
| Allegheny (FEMA Docket No. D-7531). | Township of Robinson. | Oct. 9, 2002, Oct. 16, 2002, <i>Suburban Gazette</i> . | Mr. William L. Blumling, Chairman of the Board of Commissioners, Township of Robinson, 1000 Church Hill Road, Pittsburgh, Pennsylvania 15205. | Jan. 14, 2003 | 421097 E |
| Tennessee: Shelby (FEMA Docket No. D-7531). | City of Memphis .. | Oct. 15, 2002, Oct. 22, 2002, <i>The Commercial Appeal</i> . | The Honorable Willie W. Herenton, Ph.D., Mayor of the City of Memphis, City Hall, 125 North Main Street, Suite 700, Memphis, Tennessee 38103. | Jan. 22, 2003 | 470177 E |
| Virginia: Fauquier (FEMA Docket No. D-7533). | Unincorporated Areas. | Nov. 7, 2002, Nov. 14, 2002, <i>Fauquier Citizen</i> . | Mr. G. Robert Lee, Fauquier County Administrator, 40 Culpeper Street, Warrenton, Virginia 20186. | Feb. 13, 2003 | 510055 A |
| Independent City (FEMA Docket No. D-7531). | City of Winchester. | Sept. 23, 2002, Sept. 30, 2002, <i>Winchester Star</i> . | Mr. Edwin C. Daley, City of Winchester Manager, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia 22601. | Dec. 30, 2002 | 510173 B |

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

Dated: May 21, 2003.

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA-D-7539]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), 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 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 ninety (90) days in which to request through the community that the Director 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: Mary Jean Pajak, P.E., FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-2831.

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