

**National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act**

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

**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.

**Paperwork Reduction Act**

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**Executive Order 12612, Federalism**

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR 1987 Comp.; p. 252.

**Executive Order 12778, Civil Justice Reform**

This rule meets the applicable standards of section 2(b)(2) of Executive

Order 12778, October 25, 1991, 56 FR 55195, 3 CFR 1991 Comp.; p. 309.

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

1. The authority citation for Part 64 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.

**§ 64.6 [Amended]**

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region II:				
New York: Davenport, Town of, Delaware County.	360192	July 7, 1975, Emerg.; May 15, 1985, Reg. February 2, 2002.	02/02/02	02/02/02
Evans, Town of, Erie County .....	360240	April 21, 1972, Emerg.; September 30, 1977, Reg. February 2, 2002.	02/02/02	02/02/02
Big Flats, Town of, Chemung County .....	360148	March 23, 1973, Emerg.; September 30, 1981, Reg. February 2, 2002.	02/02/02	02/02/02
Region VIII:				
Montana: Cascade County, Unincorporated Area.	300008	May 22, 1975, Emerg.; April 15, 1980, Reg. February 15, 2002.	02/15/02	02/15/02
North Dakota: McHenry County, Unincorporated Areas.	380307	March 23, 1976, Emerg.; September 18, 1987, Reg. February 15, 2002.	02/15/02	02/15/02
Karisruhe, City of, McHenry County .....	380048	September 22, 1999, Emerg.; February 15, 2002	02/15/02	02/15/02
Lebanon, Township of McHenry County .....	380309	March 29, 1996, Emerg.; September 18, 1987, Reg. February 15, 2002.	02/15/02	02/15/02
Newport, Township of, McHenry County .....	380308	March 24, 1976, Emerg.; September 18, 1987, Reg. February 15, 2002.	02/15/02	02/15/02
Villard, Township of, McHenry County .....	380317	March 31, 1977, Emerg.; September 18, 1987, Reg. February 15, 2002.	02/15/02	02/15/02
Ward County, Unincorporated Areas .....	380157	April 9, 1971, Emerg.; October 15, 1976, Reg. February 15, 2002.	02/15/02	02/15/02
Burlington, Township of, Ward County .....	380650	February 19, 1982, Emerg.; February 19, 1982, Reg. February 15, 2002.	02/15/02	02/15/02
Des Lacs, City of, Ward County .....	380712	November 24, 1999, Emerg.; February 15, 2002	02/15/02	02/15/02
Minot, City of, Ward County .....	385367	March 17, 1970, Emerg., March 17, 1970, Reg. February 15, 2002.	02/15/02	02/15/02

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: January 28, 2002.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance Administration and Mitigation Administration.*

[FR Doc. 02-2670 Filed 2-4-02; 8:45 am]

**BILLING CODE 6718-05-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:** Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (email) [matt.miller@fema.gov](mailto:matt.miller@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 ninety (90) days have elapsed since that publication. The Acting Executive Associate Director 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 Acting Executive Associate Director, Mitigation 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.
Florida: Duval (FEMA Docket No. D-7515).	City of Jacksonville.	August 8, 2001; August 15, 2001; <i>Financial News and Daily Record</i> .	The Honorable John A. Delaney, Mayor of the City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, Florida 32202.	August 1, 2001 .....	120077D&E
Illinois: Cook (FEMA Docket No. D-7513).	Unincorporated Areas.	August 9, 2001; August 16, 2001; <i>Northbrook Star</i> .	Mr. John H. Stroger, Jr., President of the Cook County Board of Commissioners, 118 North Clark Street, Room 537, Chicago, Illinois 60602.	November 15, 2001 ..	170054 F
Williamson (FEMA Docket No. D-7513).	City of Marion .....	July 30, 2001; August 6, 2001; <i>The Marion Daily Republican</i> .	The Honorable Robert Butler, Mayor of the City of Marion, City Hall, 1102 Tower Square Plaza, Marion, Illinois 62959.	November 5, 2001 .....	170719 B
Indiana:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Rush (FEMA Docket No. D-7513).	Unincorporated Areas.	July 31, 2001; August 7, 2001; <i>Rushville Republican</i> .	Mr. Kenneth Brashaber, President of the Rush County Board of Commissioners, County Courthouse, 101 East Second Street, Rushville, Indiana 46173.	July 20, 2001 .....	180421 B
Rush (FEMA Docket No. D-7513).	City of Rushville ..	July 31, 2001; August 7, 2001; <i>Rushville Republican</i> .	The Honorable Robert M. Bridges, Mayor of the City of Rushville, Rushville City Hall, 133 West First Street, Rushville, Indiana 46173.	July 20, 2001 .....	180223 B
New Jersey: Morris (FEMA Docket No. D-7511).	Borough of Madison.	March 22, 2001; March 29, 2001; <i>Madison Eagle</i> .	The Honorable John J. Dunne, Mayor of the Borough of Madison, Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey 07940.	June 12, 2001 .....	340347 B
Pennsylvania: Dauphin (FEMA Docket No. D-7513).	Township of East Hanover.	August 3, 2001; August 10, 2001; <i>Patriot News</i> .	Mr. George Rish, Township of Hanover Board of Supervisors, 8848 Jonestown Road, Grantville, Pennsylvania 17028.	November 9, 2001 ....	420377 B
Puerto Rico: (FEMA Docket No. D-7511).	Commonwealth ...	June 19, 2001; June 26, 2001; <i>San Juan Star</i> .	The Honorable Rafael Cordero Santiago, Mayor of the Municipality of Ponce, P.O. Box 1709, Ponce, Puerto Rico 00733-1709.	September 26, 2001 ..	720000 D
(FEMA Docket No. D-7513).	Commonwealth ...	August 3, 2001; August 10, 2001; <i>San Juan Star</i> .	The Honorable Sila Maria Calderon, Governor of Puerto Rico, Post Office Box 9020082, La Fortaleza, San Juan, Puerto Rico 00902.	November 9, 2001 .....	720000 B
South Carolina: Lexington (FEMA Docket No. D-7515).	City of Columbia	August 20, 2001; August 27, 2001; <i>The State</i> .	The Honorable Robert D. Coble, Mayor of the City of Columbia, P.O. Box 147, Columbia, South Carolina 29201.	August 13, 2001 .....	450172D

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

Dated: January 29, 2002.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 02-2666 Filed 2-4-02; 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-percent-annual-chance) 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 following table and revise the Flood Insurance Rate Maps 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:**

Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) [matt.miller@fema.gov](mailto:matt.miller@fema.gov).

**SUPPLEMENTARY INFORMATION:** FEMA makes the final determinations listed below of 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 Acting Administrator, Federal Insurance and Mitigation Administration 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 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 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