

State and county	Location and case No.	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas:					
Collin .....	City of Plano ..... (01-06-1043P) ...	November 8, 2001; November 15, 2001; <i>Plano Star Courier</i> .	The Honorable Jeran Akers, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086-0358.	October 17, 2001 .....	480140
Dallas .....	City of Dallas ..... (01-06-1381P) ...	December 27, 2001; January 3, 2002; <i>Commercial Recorder</i> .	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla Street, Dallas, Texas 75201.	December 6, 2001 ....	480171
Dallas .....	City of Sachse .... (01-06-309P) ....	November 7, 2001; November 14, 2001; <i>Dallas Morning News</i> .	The Honorable Hugh Cairns, Mayor, City of Sachse, City Hall, 5560 Highway 78, Sachse, Texas 75048.	October 12, 2001 .....	480186
Dallas .....	Unincorporated Areas of Dallas. (01-06-309P) ....	November 7, 2001; November 14, 2001; <i>Dallas Morning News</i> .	The Honorable Lee F. Jackson, Dallas County Judge, Administration Building, 411 Elm Street, Second Floor, Dallas, Texas 75202.	October 12, 2001 .....	480165
Washington:					
Cowlitz .....	Unincorporated Areas of Cowlitz. (01-10-401P) ....	November 8, 2001; November 15, 2001; <i>Daily News</i> .	The Honorable Jeff M. Rasmussen, Chairman, Cowlitz County, Board of Commissioners, 207 Fourth Avenue North, Kelso, Washington 98626.	February 13, 2002 .....	530032
Whatcom .....	Unincorporated Areas of Whatcom. (01-10-534P) ....	November 29, 2001; December 6, 2001; <i>Bellingham Herald</i> .	The Honorable Pete Kremen, County Executive, Whatcom County, 311 Grand Avenue, Suite 108, Bellingham, Washington 98225.	November 13, 2001 ...	530198

(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. 02-2668 Filed 2-4-02; 8:45 am]

BILLING CODE 6718-04-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 65

[Docket No. FEMA-D-7519]

### Changes in Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, FEMA.

**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 Acting Executive Associate 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:** 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 (e-mail) [matt.miller@fema.gov](mailto:matt.miller@fema.gov).

**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

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.

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 National Flood Insurance Program. 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 newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Connecticut: Fairfield .....	Town of Greenwich.	December 21, 2001; December 28, 2001; <i>Greenwich Times</i> .	Mr. Richard Bergstresser, First Selectman for the Town of Greenwich, 101 Field Point Road, Greenwich, Connecticut 06830.	December 7, 2001 .....	090008 C
New Haven ..	City of Meriden ..	November 30, 2001; December 7, 2001; <i>Record-Journal</i> .	The Honorable Joseph J. Marinar, Jr., Mayor of the City of Meriden, 142 East Main Street, Meriden, Connecticut 06450–8022.	November 19, 2001 ..	090081 C
Florida: Duval .....	City of Jacksonville.	August 1, 2001; August 8, 2001; <i>Financial News and Daily Record</i> .	The Honorable John A. Delaney, Mayor of the City of Jacksonville, City Hall, 117 West Duval Street, Suite 400, Jacksonville, Florida 32202.	December 4, 2001 ....	120077 E
Indiana: Lake .....	Town of Dyer .....	December 14, 2001; December 21, 2001; <i>Daily Herald</i> .	Mr. Glen Eberly, President, Town of Dyer Board of Trustees, One Town Square, Dyer, Indiana 46311.	December 6, 2001 .....	180129 D
Noble .....	Unincorporated Areas.	December 19, 2001; <i>The News-Sun</i> .	Mr. Mark Pankap, President, Noble County Board of Commissioners, Noble County Courthouse, 101 North Orange Street, Albion, Indiana 46701.	January 18, 2002 .....	180183 A
Lake .....	Town of Schererville.	December 14, 2001; December 21, 2001; <i>Daily Herald</i> .	Mr. Richard Kramer, Manager of the Town of Schererville, 833 West Lincoln Highway, Suite B20W, Schererville, Indiana 46375.	December 6, 2001 .....	180142 B
Maine: Aroostook ....	Town of Fort Fairfield.	November 28, 2001; December 5, 2001; <i>Fort Fairfield Press</i> .	Mr. Dan K. Foster, Manager of the Town of Fort Fairfield, P.O. Box 350, Fort Fairfield, Maine 04742.	November 19, 2001 ...	230018 B
Knox .....	Town of North Haven.	November 22, 2001; November 29, 2001; <i>The Courier-Gazette</i> .	Mr. Dake Collins, Town of North Haven Administrator, P.O. Box 400, North Haven, Maine 04853.	November 13, 2001 ...	230228 B
Pennsylvania: Carbon.	Township of East Penn.	November 2, 2001; November 9, 2001; <i>Times News</i> .	Mr. Gordon Scherer, Chairman of the Township of East Penn Board of Supervisors, 167 Municipal Road, Lehigh, Pennsylvania 18253.	October 23, 2001 .....	421013 B

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

Dated: January 29, 2002.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

#### Final Flood Elevation Determinations

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

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs 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).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

**ADDRESSES:** The final 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 BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

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.

FEMA 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 FIRM available at the address cited below for each community.

The BFEs and modified BFEs 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 Acting Administrator, Federal Insurance and Mitigation Administration certifies that this rule is

exempt from the requirements of the Regulatory Flexibility Act because final 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 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 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 amended to read 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)	Communities affected
<b>KANSAS</b>		
<b>FEMA Docket No. (B-7414)</b>		
<i>Tomahawk Creek:</i>		
Approximately 3,500 feet upstream of confluence with Indian Creek Creek.	*850	Johnson County (Uninc. Areas), City of Leawood, City of Overland Park, City of Olathe.
Approximately 1,600 feet downstream of Roe Avenue .....	*866	
Just downstream of Plumm Road .....	*1,007	
Approximately 4,800 feet upstream of a Plumm Road .....		
<i>Towahawk Creek Tributary No. 2:</i>		
At confluence with Tomahawk Creek .....	*853	Johnson County (Uninc. Areas), City of Leawood.
Approximately 1,200 feet upstream of confluence with Towahawk Creek.	*859	
<i>Tomahawk Creek Tributary No. 3:</i>		
At confluence with Tomahawk Creek .....	*859	Johnson County (Uninc. Areas), City of Leawood.
Approximately 1,300 feet upstream of confluence with Tomahawk Creek.	*860	