

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 newspaper 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; <i>Benton County Daily Record</i> .	The Honorable Gary D. Black, Judge, Benton 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; <i>Cabot Star-Herald</i> .	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 News</i> .	The Honorable Jerre Van Hoose, Mayor, City of Springdale, 201 Spring Street, Springdale, AR 72764.	Nov. 26, 2003	050219
Illinois:					
Will (Case No. 03–05–0430P).	Village of Mokena	Aug. 7, 2003; Aug. 14, 2003; <i>The Lincoln Way Sun</i> .	The Honorable Robert Chiszar, Mayor, Village of Mokena, 11004 Carpenter Street, Mokena, IL 60448.	Nov. 13, 2003	170705
Will (Case No. 03–05–2575P).	Village of Plainfield.	Sept. 10, 2003; Sept. 17, 2003; <i>The Enterprise</i> .	The Honorable Richard Rock, Mayor, Village 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 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 Indianapolis.	Sept. 22, 2003; Sept. 29, 2003; <i>The Indianapolis Star</i> .	The Honorable Barthen Peterson, Mayor, City of Indianapolis, 200 East Washington 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; <i>The Derby Reporter</i> .	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; <i>The Manhattan Mercury</i> .	The Honorable Mark Taussig, Mayor, City of Manhattan, City Hall, 1101 Poyntz Avenue, Manhattan, KS 66502–5497.	Dec. 12, 2003	200300
Johnson (Case No. 02–07–1011P).	City of Olathe	Jan. 21, 2003; Jan. 28, 2003; <i>The Olathe News</i> .	The Honorable Michael Copeland, Mayor, City of Olathe, 126 South Cherry, Olathe, KS 66061.	Apr. 29, 2003	200173
Michigan:					
Ingham Eaton, & Clinton (Case No. 03–05–1475P).	City of Lansing	Sept. 5, 2003; Sept. 12, 2003; <i>Lansing State Journal</i> .	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 Summit.	Sept. 23, 2003; Sept. 30, 2003; <i>Jackson Citizen Patriot</i> .	Mr. Russ Youngdahl, Supervisor, Township of Summit, 2121 Ferguson Road, Jackson, MI 49203.	Sept. 2, 2003	260575
Missouri:					
St. Louis (Case No. 03–07–106P).	City of Hazelwood	Sept. 1, 2003; Sept. 8, 2003; <i>St. Louis Post Dispatch</i> .	The Honorable T.R. Carr, Mayor, City of Hazelwood, 415 Elm Grove Lane, Hazelwood, MO 63042–1917.	Aug. 19, 2003	290357
New Mexico:					
Bernalillo (Case No. 03–06–1002P).	City of Albuquerque.	Aug. 29, 2003; Sept. 5, 2003; <i>Albuquerque Journal</i> .	The Honorable Martin Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Aug. 15, 2003	350002
Bernalillo (Case No. 03–06–445P).	City of Albuquerque.	Sept. 19, 2003; Sept. 26, 2003; <i>Albuquerque Journal</i> .	The Honorable Martin Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Sept. 8, 2003	350002
Bernalillo (Case No. 03–06–445P).	Unincorporated Areas.	Sept. 19, 2003; Sept. 26, 2003; <i>Albuquerque Journal</i> .	Mr. Tom Rutherford, Chairman, Bernalillo County, One Civic Plaza, N.W., Albuquerque, NM 87102.	Sept. 8, 2003	350001
Dona Ana (Case No. 03–06–1210P).	City of Las Cruces.	Sept. 1, 2003; Sept. 8, 2003; <i>Las Cruces Sun News</i> .	The Hon. William M. Mattiace, Mayor, City of Las Cruces, P.O. Box 20000, Las Cruces, NM 88004.	Aug. 15, 2003	355332
Ohio:					

State and county	Location	Dates and name of newspaper 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; <i>The Morning Journal</i> .	The Honorable James A. Smith, Mayor, City of Avon, 36080 Chester Road, Avon, OH 44011–1588.	Sept. 15, 2003	390348
Oklahoma:					
Comanche (Case No. 03–06–076P).	City of Lawton	Aug. 1, 2003; Aug. 8, 2003; <i>The Lawton Constitution</i> .	The Honorable Cecil E. Powell, Mayor, City of Lawton, 103 Southwest 4th Street, Lawton, OK 73501.	July 18, 2003	400049
Oklahoma, (Case No. 03–06–1389P).	City of Oklahoma City.	Aug. 20, 2003; Aug. 27, 2003 <i>The Daily Oklahoman</i> .	The Honorable Kirk Humphreys, Mayor, City of Oklahoma City, 200 North Walker, 3rd Floor, Oklahoma City, OK 73102.	Aug. 1, 2003	405378
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	405381
Texas:					
Taylor And Jones (Case No. 03–06–198P).	City of Abilene	Aug. 18, 2003; Aug. 25, 2003; <i>The Abilene Reporter-News</i> .	The Honorable Grady Barr, Mayor, City of Abilene, P.O. Box 60, Abilene, TX 79604.	Nov. 24, 2003	485450
Tarrant (Case No. 03–06–1010P).	City of Arlington ..	Aug. 13, 2003; Aug. 20, 2003; <i>Arlington Morning-News</i> .	The Honorable Robert Cluck, Mayor, City of Arlington, 101 West Abram Street, Arlington, TX 76004.	July 22, 2003	485454
Jefferson (Case No. 02–06–2312P).	City of Beaumont	Aug. 13, 2003; Aug. 20, 2003; <i>Beaumont Enterprise</i> .	The Honorable Evelyn M. Lord, Mayor, City of Beaumont, P.O. Box 3827, Beaumont, TX 77704.	Nov. 19, 2003	485457
Tarrant (Case No. 03–06–1203P).	City of Fort Worth	Aug. 13, 2003; Aug. 20, 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. 19, 2003	480596
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	480596
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	480596
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	480596
Williamson (Case No. 03–06–695P).	City of Georgetown.	Aug. 20, 2003; Aug. 27, 2003; <i>Williamson County Sun</i> .	The Honorable Gary Nelson, Mayor, City of Georgetown, P.O. Box 409, Georgetown, TX 78627.	Nov. 26, 2003	480668
Tarrant (Case No. 03–06–1214P).	City of Hurst	July 25, 2003; Aug. 1, 2003; <i>The Star Telegram</i> .	The Honorable William D. Souder, Mayor, City of Hurst, 1505 Precinct Line Road, Hurst, TX 76054–3302.	Oct. 31, 2003	480601
Kaufman (Case No. 03–06–1932P).	Unincorporated Areas.	Sept. 9, 2003; Sept. 16, 2003; <i>The Terrell Tribune</i> .	The Honorable Wayne Gent, Judge, Kaufman County, 100 West Mulberry Street, Kaufman, TX 75142.	Dec. 16, 2003	480411
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	481108
Dallas (Case No. 03–06–1543P).	City of Mesquite ..	Aug. 28, 2003; Sept. 4, 2003; <i>Mesquite Morning News</i> .	The Honorable Mike Anderson, Mayor, City of Mesquite, P.O. Box 850137, Mesquite, TX 75185.	Dec. 4, 2003	485490
Bexar (Case No. 03–06–683P).	City of San Antonio.	July 24, 2003; July 31, 2003; <i>San Antonio Express News</i> .	The Honorable Ed Garza, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283–3966.	July 14, 2003	480045
Bexar (Case No. 02–06–1947P).	City of San Antonio.	Jan. 24, 2003; Jan. 31, 2003; <i>San Antonio Express News</i> .	The Honorable Ed Garza, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	May 2, 2003	480045
Kaufman (Case No. 03–06–1932P).	City of Terrell	Sept. 9, 2003; Sept. 16, 2003; <i>The Terrell Tribune</i> .	The Honorable Frances Anderson, Mayor, City of Terrell, 201 East Nash Street, Terrell, TX 75160.	Dec. 16, 2003	480416
Williamson (Case No. 03–06–695P).	Unincorporated Areas.	Aug. 20, 2003; Aug. 27, 2003; <i>Williamson County Sun</i> .	The Honorable John C. Doerfler, Judge, Williamson County, 710 Main Street, Suite 201, Georgetown, TX 78626.	Nov. 26, 2003	481079
Wisconsin:					
Washington (Case No. 03–05–1465P).	Village of Germantown.	Aug. 20, 2003; Aug. 27, 2003; <i>Germantown Banner-Press</i> .	Mr. Charles J. Hargan, President, Village of Germantown, P.O. Box 337, Germantown, WI 53022.	Aug. 11, 2003	550472

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% 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 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; <i>The Daily Review</i> .	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; <i>The Bolingbrook Sun</i> .	The Honorable Roger Claar, Mayor, Village of Bolingbrook, 375 West Briarcliff Road, Bolingbrook, IL 60440.	July 17, 2003	170812