

federalism implications under Executive Order 13132.  
*Executive Order 12988, Civil Justice Reform.* This rule meets the applicable standards of Executive Order 12988.

**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 names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Illinois: Cook, Case No. 04-05-3545P, FEMA Docket No. P-7646.	Village of Matteson .....	August 4, 2005, August 11, 2005, <i>The Daily Southtown.</i>	Mr. Mark Stricker, President, Village of Matteson, 4900 Village Commons, Matteson, Illinois 60443.	July 22, 2005 .....	170123
Texas: Bexar, Case No. 04-06-1194P, FEMA Docket No. P-7646.	City of San Antonio .....	August 10, 2005, August 17, 2005, <i>San Antonio Express News.</i>	The Honorable Phil Hardberger, Mayor, City of San Antonio, Post Office Box 839966, San Antonio, Texas 78283-3966.	August 2, 2005 .....	480045
Wisconsin: Milwaukee and Washington, Case No. 04-05-3539P, FEMA Docket No. P-7646.	City of Milwaukee .....	August 5, 2005, August 12, 2005, <i>The Milwaukee Courier.</i>	The Honorable Tom Barrett, Mayor, City of Milwaukee, 200 East Wells Street, Room 201, Milwaukee, Wisconsin 53202.	November 11, 2005	550278
Wisconsin: Case No. 04-05-3539P, FEMA Docket No. P-7646.	City of Glendale .....	August 4, 2005, August 11, 2005, <i>The North Shore Herald.</i>	The Honorable R. Jay Hintz, Mayor, City of Glendale, 6936 North Braeburn Lane, Glendale, Wisconsin 53209.	November 11, 2005	550275

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

Dated: February 2, 2006.

**David I. Maurstad,**

*Acting Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.*

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**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 65**

**Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA), Department of Homeland Security, Mitigation Division.

**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.

**DATES: Effective Dates:** The effective dates for these modified BFEs 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 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, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** FEMA makes the final determinations listed below of 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 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 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 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 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 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 certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs 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 13132, Federalism.* This rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This rule meets the applicable standards of Executive Order 12988.

**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: Litchfield, (FEMA Docket No. D-7579).	Town of Harwinton .....	September 6, 2005, September 13, 2005, The Register Citizen.	Ms. Marie Knudsen, Town of Harwinton First Selectman, Harwinton Town Hall, 100 Bentley Drive, Harwinton, Connecticut 06791.	December 13, 2005	090147 B
Connecticut: Litchfield, (FEMA Docket No. D-7579).	Town of Litchfield .....	September 6, 2005, September 13, 2005, The Register Citizen.	Mr. Leo Paul, Town of Litchfield First Selectman, Town Offices, 74 West Street, P.O. Box 488, Litchfield, Connecticut 06759.	December 13, 2005	090047 B
Connecticut: Litchfield, (FEMA Docket No. D-7579).	City of Torrington .....	September 6, 2005, September 13, 2005, The Register Citizen.	The Honorable Owen J. Quinn, Mayor of the City of Torrington, Municipal Building, 140 Main Street, Torrington, Connecticut 06790.	December 13, 2005	095081 B
Pennsylvania: Chester, (FEMA Docket No. D-7579).	Township of Atglen .....	August 11, 2005, August 18, 2005, Daily Local News	The Honorable Wesley Vincent, Mayor of the Borough of Atglen, P.O. Box 250, Atglen, Pennsylvania 19310.	November 17, 2005	420273 D
Pennsylvania: Lancaster, (FEMA Docket No. D-7579).	Township of Sadsbury	August 11, 2005, August 18, 2005, Parkesburg Post Ledger	Mr. N. Eugene Lammey, Chairman of the Township of Sadsbury Board of Supervisors, 7182 White Oak Road, Christiana, Pennsylvania 17509.	November 17, 2005	421782 E
Pennsylvania: Chester, (FEMA Docket No. D-7579).	Township of West Sadsbury.	August 11, 2005, August 18, 2005, Parkesburg Post Ledger	Mr. James Landis, Chairman of the Township of West Sadsbury Board of Supervisors, 6400 N. Moscow Road, Parkesburg, Pennsylvania 19365.	November 17, 2005	422281 D

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")  
 Dated: February 3, 2006.

**David I. Maurstad,**

*Acting Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.*

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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), 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 BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

**DATES: Effective Dates:** The effective dates for these modified BFEs are indicated on the following table 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, Mitigation Division, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** FEMA makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of

local circulation and ninety (90) days have elapsed since that publication.

The Mitigation Division Director of the Federal Emergency Management Agency 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 BFEs determinations are available for inspection.

The modified BFEs 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 Federal Emergency Management Agency certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs 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 13132, Federalism**

This rule involves no policies that have federalism implications under Executive Order 13132.

**Executive Order 12988, Civil Justice Reform**

This rule meets the applicable standards of Executive Order 12988.

**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]**

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**§ 65.4 [Amended]**

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and Case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Alabama: Coffee; (FEMA Docket No.: B-7452).	Unincorporated Areas (04-04-A853P).	February 23, 2005; March 3, 2005; <i>The Enterprise Ledger</i> .	The Honorable Doug Dalrymple, Chairman, Coffee County, County Courthouse, Two County Complex, New Brockton, Alabama 36351.	February 10, 2005 .....	010239
Alaska: Anchorage Borough; (FEMA Docket No.: B-7452).	<i>Municipality of Anchorage</i> (04-10-0831P).	April 27, 2005; May 4, 2005; <i>Anchorage Daily News</i> .	The Honorable Mark Begich, Mayor, Municipality of Anchorage, P.O. Box 196650, Anchorage, Alaska 99519-6650.	August 3, 2005 .....	020005