

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 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 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) •Elevation in feet (NAVD)
<b>New Hampshire</b>	
<b>Dover (City), Strafford County (FEMA Docket No. D-7580)</b>	
<i>Boston Harbor:</i> At a point immediately downstream of Scammel Bridge Approximately 100 feet east of northbound lane of Spaulding Turnpike bridge	*7
<b>Maps available for inspection</b> at the Dover City Office, 288 Central Avenue, Dover, New Hampshire.	*7
<b>WEST VIRGINIA</b>	
<b>McDowell County (Unincorporated Areas) (FEMA Docket No. D-7600)</b>	
<i>Clear Fork:</i> Approximately 4,800 feet downstream of County Route 2 .....	*1,409

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
At the confluence with Wolfpen Branch .....	*1,479
<i>Wolfpen Branch:</i> At the confluence with Clear Fork .....	*1,479
Approximately 4,440 feet upstream of the confluence with Clear Fork .....	*1,551
<b>Maps available for inspection</b> at the McDowell County Redevelopment Authority, 90 Wyoming Street, Suite 205, Welch, West Virginia.	

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

Dated: January 28, 2005.

**David I. Maurstad,**

*Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.*

[FR Doc. 05-2123 Filed 2-3-05; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**Final Flood Elevation Determinations**

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

**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 DATES:** 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 maps are available for inspection as indicated on 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:** Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** FEMA 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.

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.

The Agency 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 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 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 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 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) •Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
<b>FLORIDA</b>					
<b>Pinellas County (FEMA Docket No. D-7598)</b>		Approximately 500 feet northeast of the intersection of Gulf-to-Bay Boulevard and Glenwood Avenue .....	•69	Approximately 1,000 feet southeast of the intersection of Lakeview Road and Evergreen Drive in the vicinity of Byron Court .....	•36
<i>Stevenson Creek:</i> Just upstream of Douglas Avenue .....	•10	<b>City of Clearwater</b> <i>Ponding Area No. 15:</i> Approximately 350 feet southwest of the intersection of South Missouri Avenue and Belear Road and 350 feet northeast of the intersection of Ponce De Leon Boulevard and Greenwood Avenue .....	•62	<b>City of Clearwater</b> <i>Clear View Lake:</i> Approximately 1,000 feet northwest of Sunset Point Road and Keene Road .....	•57
<b>Pinellas County (Unincorporated Areas), City of Clearwater, City of Largo</b>		<b>Pinellas County (Unincorporated Areas), City of Clearwater</b> <i>Ponding Area No. 2:</i> At the intersection of Druid Road and Duncan Avenue .....	•61	<b>City of Clearwater</b> <i>Ponding Area No. 9:</i> At the intersection of North Greenwood Avenue and Palmetto Street .....	•20
<i>Spring Branch:</i> Just upstream of Overbrook Road .....	•10	<b>City of Clearwater</b> <i>Hammond Creek:</i> At the confluence with Stevenson Creek .....	•10	<b>City of Clearwater</b> <i>Lake Bellevue Area No. 1:</i> Approximately 1,000 feet northeast of the intersection of Lakeview Road and Greenwood Avenue .....	•39
<i>Approximately 1,500 feet upstream of Highland Avenue</i>	•28	<b>Pinellas County (Unincorporated Areas), City of Clearwater</b> <i>Ponding Area No. 3:</i> Approximately 150 feet northeast of the intersection of Keene Road and Magnolia Drive .....	•28	<b>City of Clearwater</b> <i>Lake Bellevue Area No. 2:</i> Approximately 500 feet north of the intersection of Lakeview Road and Greenwood Avenue .....	•40
<b>Pinellas County (Unincorporated Areas), City of Clearwater</b>		<b>Pinellas County (Unincorporated Areas), City of Clearwater</b> <i>Ponding Area No. 4:</i> Approximately 150 feet southwest of the intersection of Keene Road and Magnolia Drive .....	•46	<b>City of Clearwater</b> <i>Lake Bellevue Area No. 3:</i> Approximately 250 feet northwest of the intersection of Lakeview Road and Greenwood Avenue .....	•41
<i>Flagler Drive Tributary:</i> At the confluence with Stevenson Creek .....	•14	<b>Pinellas County (Unincorporated Areas), City of Clearwater</b> <i>Ponding Area No. 5:</i> Approximately 150 feet southwest of the intersection of Keene Road and Magnolia Drive .....	•43	<b>City of Clearwater</b> <i>Lake Bellevue Area No. 4:</i> Approximately 250 feet southwest of the intersection of Lakeview Road and Greenwood Avenue .....	•42
<i>Approximately 1,250 feet upstream of Keene Road .....</i>	•62	<b>Pinellas County (Unincorporated Areas)</b> <i>Ponding Area No. 6:</i> Approximately 50 feet southeast of the intersection of Keene Road and Magnolia Drive .....	•42	<b>City of Clearwater</b> <i>Lake Bellevue Area No. 5:</i> Approximately 1,500 feet southwest of the intersection of Lakeview Road and Greenwood Avenue .....	•43
<b>Pinellas County (Unincorporated Areas), City of Clearwater</b>		<b>Pinellas County (Unincorporated Areas)</b> <i>Lake Rhonda:</i> Approximately 100 feet southeast of the intersection of Magnolia Drive and Keene Road .....	•35	<b>City of Clearwater</b> <i>Lake Bellevue Area No. 6:</i> Approximately 600 feet north of the intersection of Woodlawn Avenue and South Myrtle Avenue .....	•44
<i>Jeffords Street Tributary:</i> At the confluence with Stevenson Creek .....	•27	<b>Pinellas County (Unincorporated Areas)</b> <i>Ponding Area No. 7:</i> Approximately 100 feet southwest of the intersection of Highland Avenue and Belleair Road .....	•47	<b>City of Clearwater</b> <i>Lake Bellevue Area No. 7:</i> Approximately 400 feet north of the intersection of Woodlawn Avenue and South Myrtle Avenue .....	•45
<i>Approximately 650 feet upstream of Woodcrest Avenue .....</i>	•34	<b>Pinellas County (Unincorporated Areas), City of Clearwater</b> <i>Ponding Area No. 8:</i> Approximately 500 feet northeast of the intersection of Missouri Avenue and Bellevue Boulevard .....	•61	<b>City of Clearwater</b> <i>Lake Bellevue Area No. 8:</i> Approximately 250 feet north of the intersection of Woodlawn Avenue and South Myrtle Avenue .....	•46
<b>Pinellas County (Unincorporated Areas), City of Clearwater</b>		<b>City of Clearwater</b> <i>Ponding Area No. 9:</i> Approximately 100 feet north of the intersection of Woodlawn Avenue and South Myrtle Avenue .....		<b>City of Clearwater</b> <i>Lake Bellevue Area No. 9:</i> Approximately 100 feet north of the intersection of Woodlawn Avenue and South Myrtle Avenue .....	•47
<i>Crest Lake:</i>				<b>City of Clearwater</b> <i>Lake Bellevue Area No. 10:</i>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
Approximately 100 feet south of the intersection of Woodlawn Avenue and South Myrtle Avenue 2 .....	•50	<i>Ponding Area No. 13:</i> At the intersection of North Madison Avenue and Carlton Street .....	•16	<b>Village of Bellwood</b> <b>Maps available for inspection</b> at the Bellwood Village Hall, Building Department, 3200 Washington Boulevard, Bellwood, Illinois.	
<b>City of Clearwater</b> <i>Lake Bellevue Area No. 11:</i> Approximately 500 feet south of the intersection of Woodlawn Avenue and South Myrtle Avenue 2 .....	•51	<b>City of Clearwater</b> <i>Ponding Area No. 14:</i> Generally following the southern side of CSX Transportation tracks in the area where North Greenwood Avenue intersects with Plaza Street .....	•24	<b>Village of Broadview</b> <b>Maps available for inspection</b> at the Broadview Village Hall, 2350 South 25th Avenue, Broadview, Illinois.	
<b>City of Clearwater</b> <i>Lake Bellevue Area No. 12:</i> Approximately 100 feet south of the intersection of Howard Street and South Myrtle Avenue 2 .....	•53	<b>City of Clearwater</b> <i>Highland Lake:</i> Approximately 200 feet southwest of the intersection of Valencia Street and Lake Avenue .....	•47	<b>Cook County (Unincorporated Areas)</b> <b>Maps available for inspection</b> at the Cook County Department of Building and Zoning, 69 West Washington Street, Chicago, Illinois.	
<b>City of Clearwater</b> <i>Lake Bellevue Area No. 13:</i> Approximately 250 feet south of the intersection of Howard Street and South Myrtle Avenue 2 .....	•54	<b>Pinellas County (Unincorporated Areas)</b> <i>Ponding Area No. 16:</i> Approximately 3,000 feet northwest of intersection of Marilyn Street and Hercules Avenue .....	•68	<b>Village of Hillside</b> <b>Maps available for inspection</b> at the Hillside Village Hall, 425 Hillside Avenue, Hillside, Illinois.	
<b>City of Clearwater</b> <i>Lake Bellevue Area No. 14:</i> Approximately 350 feet south of the intersection of Howard Street and South Myrtle Avenue 2 .....	•55	<b>City of Clearwater</b> <i>Ponding Area No. 17:</i> Approximately 1,500 feet northwest of the intersection of Marilyn Street and Hercules Avenue .....	•69	<b>Village of Maywood</b> <b>Maps available for inspection</b> at the Maywood Village Hall, Building and Zoning Department, 40 Madison Street, Maywood, Illinois.	
<b>City of Clearwater</b> <i>Lake Bellevue Area No. 15:</i> Approximately 250 feet northeast of the intersection of Belleair Road and South Myrtle Avenue 2 .....	•56	<b>City of Clearwater</b> <i>Ponding Area No. 12:</i> At the intersection of Palmetto Street and Pennsylvania Avenue .....	•21	<b>Village of Melrose Park</b> <b>Maps available for inspection</b> at the Melrose Park Village Hall, Building Department, 1000 North 25th Avenue, Melrose Park, Illinois.	
<b>City of Clearwater</b> <i>Lake Bellevue Area No. 16:</i> Approximately 500 feet southeast of the intersection of Belleair Road and South Myrtle Avenue 2 .....	•57	<b>City of Clearwater</b> <b>Maps available for inspection</b> at the City of Clearwater Engineering Department, 100 South Myrtle Avenue, Suite 220, Clearwater, Florida.		<b>City of Northlake</b> <b>Maps available for inspection</b> at the Northlake City Hall, Building Department, 55 East North Avenue, Northlake, Illinois.	
<b>Pinellas County (Unincorporated Areas), City of Clearwater</b> <i>Hobart Lake:</i> Approximately 200 feet southwest of the intersection of Casler Avenue and Palmetto Street .....	•67	<b>City of Largo</b> <b>Maps available for inspection</b> at the Largo City Hall, 201 Highland Avenue, Largo, Florida.		<b>Village of Stone Park</b> <b>Maps available for inspection</b> at the Stone Park Village Hall, Office of Building Inspections, 1629 North Mannheim Road, Stone Park, Illinois.	
<b>City of Clearwater</b> <i>Ponding Area No. 10:</i> Approximately 1,000 feet west of Keene Road and 150 feet north of Hobart Lake .....	•66	<b>Pinellas County (Unincorporated Areas)</b> <b>Maps available for inspection</b> at the Pinellas County Building, 315 Court Street, Clearwater, Florida.		<b>Village of Westchester</b> <b>Maps available for inspection</b> at the Westchester Village Hall, Building Department, 10300 Roosevelt Road, Westchester, Illinois.	
<b>City of Clearwater</b> <i>Lake Lucille:</i> Approximately 100 feet southeast of the intersection of Sherwood Street and Nelson Avenue .....	•60	<b>ILLINOIS</b>		<b>NEW HAMPSHIRE</b>	
<b>City of Clearwater</b> <i>Ponding Area No. 11:</i> Approximately 700 feet west of the intersection of Sherwood Street and Keene Road .....	•64	<b>Cook County (FEMA Docket No. D-7526)</b> <i>Addison Creek:</i> Approximately 360 feet upstream of 21st Street ..... Approximately 180 feet upstream of Tri-State Tollway	*621 *656	<b>Rockingham County (FEMA Docket No. D-7578)</b> <i>Exeter River:</i> Approximately 850 feet northeast of the intersection of Great Oak and Pheasant Run Drive at the corporate limits of the Town of Chester and the Town of Raymond .....	*165
<b>City of Clearwater</b> <i>St. Andrews Lake:</i> Approximately 1,000 feet northeast of the intersection of Airport Drive and Keene Road .....	•68	<b>Village of Bellwood, Village of Broadview, Cook County (Unincorporated Areas), Village of Hillside, Village of Maywood, Village of Melrose Park, City of Northlake, Village of Stone Park, Village of Westchester</b>		<b>Town of Chester</b> <i>Powwow Pond:</i> North of Boston and Maine Railroad ..... South of Boston and Maine Railroad .....	*119 *118

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
<b>Town of East Kingston</b> <i>Lamprey River:</i> Approximately 950 feet downstream of Prescott Road .....	*164	<b>Maps available for inspection</b> at the Town of Chester Municipal Office Building, 84 Chester Street, Chester, New Hampshire.		Approximately 2,400 feet upstream of Prices Creek Road .....	•703
Approximately 300 feet upstream of Prescott Road ...	*167	<b>Town of East Kingston:</b> <b>Maps available for inspection</b> at the East Kingston Town Office, 24 Depot Road, East Kingston, New Hampshire.		<b>Cabell County (Unincorporated Areas), City of Huntington</b> <i>Indian Fork:</i>	
<b>Town of Epping</b> <i>Piscassic River:</i> Approximately 0.57 mile downstream of upstream corporate limits .....	*105	<b>Town of Epping:</b> <b>Maps available for inspection</b> at the Epping Town Hall, 157 Main Street, Epping, New Hampshire.		Approximately 1,160 feet upstream of confluence with Mud Creek .....	•587
At upstream corporate limits	*108	<b>Town of Exeter:</b> <b>Maps available for inspection</b> at the Exeter Town Office, 10 Front Street, Exeter, New Hampshire.		Approximately 250 feet upstream of Ridge Run Road	•640
<b>Town of Exeter</b> <i>Piscataqua River:</i> North of State Route 18 (East of Pierce Island) .....	*9	<b>Town of Newington:</b> <b>Maps available for inspection</b> at the Newington Town Office, 205 Nimble Hill Road, Newington, New Hampshire.		<b>Cabell County (Unincorporated Areas)</b> <i>Kilgore Creek:</i>	
<b>Town of New Castle</b> <i>Country Pond:</i> Entire shoreline within community .....	*121	<b>Town of New Castle:</b> <b>Maps available for inspection</b> at the New Castle Town Office, 49 Main Street, New Castle, New Hampshire.		At the confluence with Indian Fork .....	•587
<b>Town of Newton</b> <i>Little River No. 3:</i> At upstream corporate limits At downstream corporate limits .....	*103 *103	<b>City of Portsmouth:</b> <b>Maps available for inspection</b> at the City of Portsmouth Municipal Complex, Planning Department, 3rd Floor, 1 Junkins Avenue, Portsmouth, New Hampshire.		Approximately 500 feet upstream of the confluence of Little Creek .....	•611
<b>Town of Newton</b> <i>Flatrock Branch:</i> At confluence with Shadow Lake .....	*162	<b>Town of New Castle:</b> <b>Maps available for inspection</b> at the New Castle Town Office, 49 Main Street, New Castle, New Hampshire.		<b>Cabell County (Unincorporated Areas)</b> <i>Lee Creek:</i>	
Approximately 150 feet downstream of Doiron Road .....	*163	<b>Town of Stratham:</b> <b>Maps available for inspection</b> at the Stratham Town Office, 10 Bunker Hill Avenue, Stratham, New Hampshire.		At the confluence with Kilgore Creek .....	•590
<b>Town of Salem</b> <i>Squamscott River:</i> At downstream side of Boston and Maine Railroad bridge .....	*7	<b>Town of Stratham:</b> <b>Maps available for inspection</b> at the Stratham Town Office, 33 Geremonty Drive, Salem, New Hampshire.		Approximately 6,500 feet upstream of Interstate Route 64 .....	•660
At downstream corporate limits .....	*7	<b>WEST VIRGINIA</b>		<b>Cabell County (Unincorporated Areas)</b> <i>Charley Creek:</i>	
<b>Town of Stratham</b> <i>Lamprey River:</i> Approximately 1.3 miles upstream of Alternate Route 101 .....	*217	<b>Cabell County and City of Huntington (FEMA Docket No. D-7598)</b> <i>Ohio River:</i>		Approximately 1,820 feet upstream of confluence with Mud Creek .....	•602
Approximately 1.77 miles upstream of Alternate Route 101 .....	*217	At the downstream county boundary .....	•550	Approximately 2,250 feet downstream of Wolfpen Hollow Road .....	•615
<b>Town of Candia</b> <i>Great Bay/Little Bay:</i> Entire shoreline within the community .....	*7	<b>Cabell County (Unincorporated Areas), City of Huntington</b> <i>Fourpole Creek:</i>	•561	At the confluence with Little Creek .....	•610
<b>Town of Newington</b> <i>Piscataqua River:</i> From the Spaulding Turnpike bridge to the Greenland/Portsmouth corporate limits .....	*9	Approximately 8 miles upstream of confluence of Goose Run .....	•561	Approximately 750 feet upstream of the confluence with Kilgore Creek .....	•611
<b>Town of Newington</b> <i>Pickering Brook:</i> At the Greenland/Portsmouth corporate limits .....	*27	Approximately 200 feet upstream of the Ohio River ...	•538	<b>Cabell County (Unincorporated Areas)</b> <i>Arlington Boulevard Tributary:</i>	•613
Approximately 2,300 feet upstream of Greenland/Portsmouth corporate limits .....	*27			Backwater area along Norwood Road .....	•613
<b>City of Portsmouth</b> <b>Town of Candia:</b> <b>Maps available for inspection</b> at the Candia Town Office, 74 High Street, Candia, New Hampshire.				At the confluence with Guyandotte River .....	•554
<b>Town of Chester:</b>				Approximately 150 feet downstream of Arlington Boulevard .....	•554
				<b>Cabell County (Unincorporated Areas)</b> <i>Grapevine Branch:</i>	•590
				At the confluence with Fourpole Creek .....	•590
				Approximately 1,050 feet upstream of the confluence with Fourpole Creek .....	•590
				<b>Cabell County (Unincorporated Areas), City of Huntington</b> <b>Cabell County (Unincorporated Areas)</b>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
<p><b>Maps available for inspection</b> at the Cabell County Office of Grants, Planning and Permits, Cabell County Courthouse, Room 314, Huntington, West Virginia.</p> <p><b>City of Huntington Maps available for inspection</b> at the City of Huntington Department of Development and Planning, 800 Fifth Street, Room 14, Huntington, West Virginia.</p>	

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

Dated: January 28, 2005.

**David I. Maurstad,**

*Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.*

[FR Doc. 05-2122 Filed 2-3-05; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**Final Flood Elevation Determinations**

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

**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 DATES:** 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 maps are available for inspection as indicated on 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:** Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** FEMA 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.

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.

The Agency 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 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 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 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 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) •Elevation in feet (NAVD)
<b>ALABAMA</b>	
<b>Cullman County (FEMA Docket No. D-7594)</b>	
<i>Mud Creek:</i>	
At Interstate 31 .....	*533
Approximately 800 feet upstream of State Route 91 ..	*537
Cullman County (Unincorporated Areas), City of Hanceville	
<i>Bavar Creek:</i>	
Approximately 2,400 feet downstream of County Route 37 .....	*567
At Section Line Road .....	*692
Town of Good Hope	
<i>Ryan Creek:</i>	
Approximately 1,000 feet downstream of County Road 38 .....	*643
Approximately 0.4 mile upstream of 16th Street Southeast .....	*713
Cullman County (Unincorporated Areas), City of Cullman	
<i>Wolf Creek:</i>	
At the confluence with Ryan Creek .....	*676
Approximately 0.3 mile upstream of Briarwood Drive Southeast .....	*691
City of Cullman	
<b>Cullman County (Unincorporated Areas)</b>	
<b>Maps available for inspection</b> at the Cullman County Commission, 500 Second Avenue SW., Room 202, Cullman, Alabama.	
<b>City of Cullman</b>	
<b>Maps available for inspection</b> at the City of Cullman Building Department, 201 2nd Avenue, Cullman, Alabama.	