MEMORANDUM TO: Write Your Own (WYO) Principal Coordinators and NFIP Servicing Agent

FROM: WYO Clearinghouse

DATE: October 16, 2003

SUBJECT: Final Rule – National Flood Insurance Program (NFIP); Inspection of Insured Properties by Communities

Attached is a final rule printed in the Federal Register on October 14, 2003, that amends the NFIP regulations to clarify that areas of Monroe County, Florida, that incorporate on or after January 1, 1999, and become eligible for the sale of flood insurance must participate in the inspection procedures as a condition of joining the NFIP. This final rule adopts the interim final rule, published on March 8, 2002, without change.

The NFIP Bureau posted a WYO Clearinghouse bulletin on March 26, 2002, that provided detailed information on the Monroe County, Florida, inspection procedures. You may access that bulletin by clicking on the link below:


If you have any questions, please contact your Program Coordinator.

Attachment

cc: Vendors, IBHS, FIPNC, WYO Marketing Committee, Government Technical Representative

Suggested Routing: Accounting, Claims, Data Processing, Marketing, Underwriting
Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not inconsistent with applicable law for appropriate circuit by December 15, to read as follows:

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Federal Register Notice</th>
</tr>
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<tbody>
<tr>
<td>Marathon Ashland Petroleum Marine Repair Terminal</td>
<td>*</td>
<td>12/22/99</td>
<td>10/14/03</td>
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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Parts 59 and 61

RIN 1660-AA14

National Flood Insurance Program (NFIP); Inspection of Insured Structures by Communities


ACTION: Adoption of interim final rule as final.

SUMMARY: This final rule adopts the interim final rule, published in the Federal Register on March 8, 2002, to amend the NFIP regulations to clarify that areas of Monroe County, Florida that incorporate on or after January 1, 1999, and become eligible for the sale of flood insurance must participate in the inspection procedure as a condition of joining the NFIP. An inspection procedure was established to help the communities of Monroe County and the Village of Islamorada verify that structures comply with the community’s floodplain management ordinance and to ensure that property owners pay...
flood insurance premiums to the NFIP commensurate with their flood risk.  

**DATES:** 44 CFR 59.30(a) became effective on March 8, 2002. The amendments to Appendices (A)(4), (A)(5), and (A)(6) of 44 CFR part 61 became effective on June 6, 2002.

**FOR FURTHER INFORMATION CONTACT:** Don Beaton, FEMA, Mitigation Division, 500 C Street, SW., Washington, DC 20472, (facsimile) 202–646–4327, or e-mail donald.beaton@dhs.gov; or Lois Forster, FEMA, Mitigation Division, (facsimile) 202–646–2577, or e-mail lois.forster@dhs.gov.

**SUPPLEMENTARY INFORMATION:** The interim final rule published on March 8, 2002, at 67 FR 10631 amended 44 CFR 59.30 and Appendices (A)(4), (A)(5), and (A)(6) of 44 CFR part 61 to clarify that areas of Monroe County, Florida that incorporate on or after January 1, 1999, and become eligible for the sale of flood insurance must participate in the inspection procedure as a condition of participating in the NFIP. An inspection procedure was established to help the communities of Monroe County and the Village of Islamorada verify that structures comply with the community’s floodplain management ordinance and to ensure that property owners pay flood insurance premiums to the NFIP commensurate with their flood risk.

The closing date for the submission of comments was June 6, 2002.

**Comments on the Interim Final Rule**

By the close of the comment period, FEMA received no comments on the interim final rule.

**Adoption as Final Rule**

Accordingly, the interim final rule to amend the NFIP regulations to clarify that areas of Monroe County, Florida that incorporate on or after January 1, 1999, and become eligible for the sale of flood insurance must participate in the inspection procedures as a condition of joining the NFIP which was published at 67 FR 10631 on March 8, 2002, is adopted as a final rule without change.

**National Environmental Policy Act**

FEMA conducted an environmental review on the inspection procedure. You may obtain a copy of the Record of Environmental Review documenting the findings through FEMA’s Web site at www.FEMA.gov, or by writing to FEMA at 500 C Street, SW., Washington, DC 20472, Attention: Lois Forster.

**Executive Order 12898, Environmental Justice**

FEMA reviewed the inspection procedure under Executive Order 12898 and determined that the inspection procedure would not have a disproportionate adverse impact on low-income populations and minority populations. FEMA also determined that this action would have some adverse effects on low-income populations because some illegal enclosures are used as full-living units and the residents would have to find replacement housing. The effect would be caused by the residents’ illegal activity, not by this regulatory action. FEMA determined, further, that there would be greater adverse health and safety impact on the affected low-income populations if they stayed in these illegally built ground level enclosures. The enclosures are located in flood hazard areas below the Base Flood Elevation where there is a significant risk of flooding.

**Executive Order 12866, Regulatory Planning and Review**

FEMA has reviewed the inspection procedure under the provisions of Executive Order 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, Oct. 4, 1993, a significant regulatory action is subject to the Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Executive Order defines “significant regulatory action” as one that is likely to result in a rule that may:

1. Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

3. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

4. Raise novel legal or policy issues.

OMB approved the information collection requirements to OMB for approval under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. OMB approved the information collection requirements. Now that FEMA is part of DHS, the Control Number is 1660–0045.

**Executive Order 12778, Civil Justice Reform**

This final rule meets the applicable standards of subsections 2(a) and 2(b)(2) of Executive Order 12778.

The interim final rule published on March 8, 2002 at 67 FR 10631 is adopted as final without change.

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 1 and 25**

**[IB Docket Nos. 02–34 and 02–54, FCC 03–102]**

**Satellite Licensing Procedures**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** The Federal Communications Commission published in the Federal Register of August 27, 2003 (68 FR 51499), a document revising the procedures for issuing satellite licenses. Inadvertently, the effective date for §§ 25.137(d)(4), 25.164(c) through (e), and 25.165 was stated as September 11,