city or SCF and state names followed by the appropriate 3-digit prefix reflecting the contents of the sack. (PB 21762, 5-3-90)

Section 442.5 and a new section 445.3 have been added to allow mailers to palletize multiple flat-size second-class publications that have each been separately presorted into packages to the finest extent possible to co-palletize packages from two or more mailings on the same pallet. Section 445.3 has been renumbered as 445.4 (PB 21762, 5-3-90)

Chapter 9

Section 912.55, *Notice of Arrival*, is revised to allow return of a certified mailpiece to the sender within the 15-day holding period, if the sender specifies a lesser number of days on the mailpiece. (PB 21760, 4-5-90)

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

2. In consideration of the foregoing, the table at the end of § 111.3(e) is amended by adding at the end thereof the following:

§ 111.3 Amendments to the domestic mail manual.

* * * * *

Transmittal letter for issue	Dated	Federal Register publication
35	June 17, 1990	55 FR [Insert FR page number].

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 90-14052 Filed 6-15-90; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400 and 411

[BPD-458-F]

RIN 0938-AD34

Medicare Program; Physician Liability on Non-Assigned Claims

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: This rule establishes in regulations the circumstances in which a nonparticipating physician who does not accept Medicare assignment of a claim is required to refund to the beneficiary any amounts collected for physician services determined to be not reasonable and necessary. Its purpose is to extend limitation of liability protection to beneficiaries with non-assigned claims when the physician knew or could reasonably have been expected to know that Medicare would deny payment for the services. Physician appeal rights are also specified. This rule conforms our regulations to section 9332(c) of the Omnibus Budget Reconciliation Act of 1986.

EFFECTIVE DATE: These regulations are effective on July 18, 1990.

FOR FURTHER INFORMATION CONTACT: Robert Augustine, (301) 966-4481.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1862(a)(1) of the Social Security Act (the Act), precludes Medicare payment for services that are "not reasonable and necessary" for the diagnosis or treatment of an illness or injury, or to improve the functioning of a malformed body member, or for several other specified purposes.

Before October 1, 1987, with respect to services found to be "not reasonable and necessary", under the law and the Medicare rule—

- A physician who did not accept assignment could charge the beneficiary (or someone on his or her behalf) for services for which Medicare payment was denied; and
- A physician who accepted assignment could not charge the beneficiary for those services but could receive Medicare payment under the provisions of section 1879 of the Act, which permits payment for services denied under section 1862(a)(1) of the Act if neither the physician nor the beneficiary knew, or could reasonably have been expected to know, that Medicare would not pay for the services.

Section 9332(c) of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509) added to the Act a new section 1842(1), to change the requirements for physicians who do not accept assignment. The provisions of section 1842(1) are applicable only to physicians and are effective for physician services furnished on or after October 1, 1987. Under these provisions, unless specified conditions are met, a physician who does not accept assignment—

- Must refund to the beneficiary any amounts collected for services found to be not reasonable and necessary; and
- Must make the refund within specified time limits and, if he or she knowingly and willfully fails to do so, may be subject to civil money penalties, or to exclusion from Medicare, or both.

A refund is not required if the physician did not know and could not reasonably have been expected to know that Medicare would not pay for the services, or if the beneficiary (or the person acting on behalf of the beneficiary, hereafter referred to as the other person) was informed in advance that Medicare would not pay for the services and agreed to pay for them. Unlike claims submitted on an assigned basis, there is no provision for Medicare payment even if neither the physician nor the beneficiary knew or could reasonably have been expected to know that Medicare would not pay.

To implement section 9332(c) of Public Law 99-509, on December 30, 1988, we published in the **Federal Register** (53 FR 53025) proposed regulations with a 60-day comment period. The provisions of the proposed rule, the comments received, our responses, and the provisions of the final regulation are discussed below.

II. Provisions of the Proposed Regulations

In order to implement section 9332(c) of Public Law 99-509, we proposed to amend the regulations in 42 CFR part 405 by adding a new § 405.339. (Since that time, subpart 405 has been recodified; the correct cite in this final rule is § 411.408.) A summary of the proposed changes follows:

A. Refund Procedures

In accordance with the provisions of section 1842(l)(1)(B) of the Act, we proposed to require a refund of incorrectly collected amounts be made to the beneficiary within the following time limits:

- In the case of a physician who does not request review of the denial within that period, the refund would be made to the beneficiary within 30 days after the date the physician receives notice that Medicare will not pay for the services.
- In the case of a physician who requests review of the denial within 30 days of receipt of the initial determination, the refund would have to be made to the beneficiary within 15 days after the date on which the physician receives notice of adverse determination on the review.

We also proposed that a physician who knowingly and willfully fails to make a refund within the time limits enumerated may be subject to sanctions such as civil money penalties and/or exclusion from the Medicare program (title XVIII of the Social Security Act) and State health care programs (titles V, XIX, and XX of the Social Security Act). This section of the regulation would be monitored by the Office of Inspector General (OIG) and implementing regulations may be found in 42 CFR, chapter V, parts 1001, 1002 and 1003.

We proposed that when the beneficiary files a request for review of the denial of payment within 30 days of receipt of the initial determination, the physician's time limit for making the refund would not be extended. The refund would have to be made to the beneficiary within 30 days after the date the physician receives notice that Medicare will not pay for the services.

Under section 1842(l)(1)(C) of the Act, a refund would not be required of the physician if one of the following conditions is met:

- The physician did not know and could not reasonably have been expected to know that payment would not be made for the services because they were not reasonable and necessary as defined by section 1862(a)(1) of the Act; or
- Before the services was provided, the beneficiary (or other person) was informed by the physician that Medicare payment would not be made for the specific services and, after being so informed, the beneficiary (or other person) agreed to pay the physician for the services.

Section 1842(l)(1) of the Act provides that a refund is not required if the physician informs the beneficiary in advance that Medicare will not pay for the service and the beneficiary (or other person) agrees to pay. Although not specifically required by the statute, we proposed that the physician's advance notice to the beneficiary (or other person) that Medicare is likely to deny payment for the service must be in writing, using approved notice language, and must give the physician's reasons for believing that Medicare will deny payment. In addition, we proposed that the beneficiary (or someone eligible to sign for the beneficiary under § 424.36(b)) must sign a statement ot the effect that he or she agrees to pay for the service. We believed this would be the most effective way of protecting the interests of both the beneficiary and the physician in cases when the physician furnishes services for which he or she believes Medicare is likely to deny payment. In addition, the requirement that the physician must give his or her reasons for believing that Medicare is likely to deny payment ensures that the beneficiary (or other person) receives sufficient relevant information to make a truly informed decision. The statutory protection of beneficiaries from liability when they, in good faith, receive services from physicians on an unassigned basis that are denied as not reasonable and necessary is only achieved when a beneficiary (or other person), having been duly informed of the circumstances and of his or her options, decides whether or not to receive the services and agrees to pay for them (if Medicare, in fact, denies payment).

B. Physician Appeal Rights

While section 1842(l) of the Act implicitly grants appeal rights to nonparticipating physicians on unassigned claims by referring to physicians requesting reconsideration or seeking appeal, it does not specifically delineate the extent of those rights. We proposed that under these regulations, nonparticipating physicians would have the right to appeal determinations on unassigned claims denied because the services were determined to be not reasonable and necessary. We proposed to extend the right of appeal to a determination that a refund is required because a physician either knew or could have reasonably been expected to know that Medicare would not pay for the services because they were not reasonable and necessary. Additionally, we proposed that the right of appeal would extend to cases where it was determined that the beneficiary (or other person) was not informed in advance that Medicare was likely to deny payment for the services or, if so informed, did not agree to pay for the service. We proposed to extend to these physicians the existing appeals process for claims under Part B, and 42 CFR part 405, subpart H. However, to ensure that refunds are made promptly, we proposed requiring that they be made within 15 days of receipt of the initial review determination.

III. Analysis of and Response to Public Comments

We received 29 timely pieces of correspondence from individuals and organizations in response to the proposed rule. The commenters included physicians, associations representing physicians, medical associations, a hospital, a legal advocate for Medicare beneficiaries, consumer advocacy groups, and a Medicare beneficiary. With the exception of comments relating to the impact statement, we discuss the comments and provide our responses below. The comments relating to the impact are addressed in the Impact Statement in section V of this preamble.

A. Applicability of Provision

Comment: Physicians, such as radiologists or pathologists, who furnish services on the order of another physician, generally have no way of knowing whether Medicare is likely to deny payment for the services they furnish and are likely to be found not liable on such grounds upon filing an appeal. Therefore, the final rule should be modified to exclude physicians who furnish services on the order of another physician.

Response: We have no authority under existing law to exclude physicians who furnish their services on the order of another physician. Section 1842(1)(1)(A)(i) of the Act refers only to nonparticipating physicians and there is nothing in either the statute or the Congressional reports on the bill language which indicates any intent on the part of Congress to exempt certain categories of physicians from the provision.

In order to be held not liable for a service subsequently denied as not reasonable and necessary, a physician who furnishes a service on the order of another physician and is uanble to give the beneficiary an acceptable advance notice that Medicare is likely to deny payment for the service, must show that he or she did not know, and could not reasonably have been expected to know, that Medicare would deny payment for the service. While we recognize that this imposes somewhat of a burden on the physician in that he or she is routinely required to file an appeal in such cases in order to be held not liable, we believe this is preferable to the alternative of holding the beneficiary liable at the initial level. Under that approach, the burden of providing whether a physician knew, or could reasonably have been expected to know, that Medicare was likely to deny payment for the service, would be shifted to the beneficiary at the initial level, and it would be incumbent on the beneficiary to refute the presumption that the physician did not know, and could not reasonably have been expected to know, that Medicare would deny payment for the service. We find this to be unacceptable for a provision intended to protect beneficiaries.

Comment: HCFA should revise the final rule to specify that the refund provisions apply only to services otherwise covered which are denied

solely because they are not reasonable and necessary.

Response: We agree with this comment. The statute refers to services "otherwise covered under this title [which are] not reasonable and necessary [under section 1862(a)(1) of the Act]." This draws the distinction between services that Medicare will pay for under certain circumstances and those for which Medicare does not pay under any circumstances because of other statutory exclusions (for example, routine physical checkups excluded under section 1862(a)(7) of the Act). When the refund provisions were initallly implemented, some carriers were improperly applying them to non-covered services. Although we believe that clarifying instructions issued to Medicare carriers in March 1988 have virtually eliminated this problem, we have nevertheless modified the final rule at § 411.408 to adopt this comment.

Comment: Physicians should be given the option in the final rule of providing free care to Medicare beneficiaries.

Response: There is nothing in either the law or the proposed rule which precludes a physician from furnishing care to a Medicare beneficiary without charge. The refund provisions discussed in the proposed rule are applicable only in those cases where a beneficiary submits a bill from a physician for services which are subsequently denied as not reasonable and necessary. If a physician elects to furnish services free of charge, no claim would be submitted and there is no possibility of denial. Thus, the refund provisions do not apply.

B. Advance Notices

Comment: The proposed rule requires physicians to be more specific in their advance notices in explaining why they believe it likely that Medicare will deny payment for a service than we require the carriers to be in the denial notices they send to beneficiaries and physicians when they deny a service as not reasonable and necessary.

Response: In September 1988, we instructed the Medicare carriers, in a program memorandum, to send to all physicians a letter concerning the advance notice provisions. Included in that letter was a list of sample reasons for physicians to use in their advance notices to explain why they believe it likely Medicare would deny payment for a particular service. The list of reasons furnished contained language which is identical to the language carriers use to notify beneficiaries and physicians when they deny services as not reasonable and necessary. In addition, the American Medical Association, in consultation with HCFA, developed a booklet, entitled "Medicare Carrier Review," that provides comprehensive information dealing with the issue of medical necessity denials. This booklet was made available to all physicians and the general public in October 1988. Thus, we do not require physicians to be any more specific in their advance notices than we require the carriers to be in the notices they send when they deny a service as not reasonable and necessary.

Comment: The rule should be modified to delete the requirement that the advance notice and beneficiary agreement to pay be in writing.

Response: Although the statute does not require an advance notice to be in writing or the beneficiary's agreement to pay to be written and signed, we believe the provisions on advance notice will be most effective if they are in writing. If there is a dispute over whether proper advance notice was given, and there is no written evidence, it will be necessary to require that a refund be made to the beneficiary. Use of written notices and agreements to pay will avoid most disputes of this nature and will help to resolve those that do arise. Also, as was pointed out in most comments we received from advocacy and consumer groups commenting on behalf of Medicare beneficiaries, written notices are essential to ensure that patients are making informed choices as was intended by the statute. We agree with those commenters and have retained the requirement that the advance notice and beneficiary agreement to pay be in writing.

Comment: HCFA should not require physicians to specify in the advance notice their reasons for believing Medicare is likely to deny payment for a service as not reasonable and necessary. This requirement places the unreasonable burden of having extremely detailed knowledge about Medicare program coverage guidelines on physicians. A related comment was made that this requirement exceeds the statutory requirement that the patient be informed that Medicare "may" not pay for a service.

Response: We do not agree that our requirements with respect to the advance notice require physicians to be experts on Medicare coverage guidelines in order to be held not liable on the basis of an advance notice. HCFA makes available to physicians listings and other informational issuances that specify certain services that are not covered as reasonable and necessary by Medicare. HFCA attempts to inform physicians on a timely basis whenever changes are made in coverage policy or new medical treatments are either approved or disapproved. It is only when the physician has previously received either such information or a denial notice for the same service in similar circumstances, or could reasonably be expected to know by virtue of normal medical knowledge that the service was not needed, that he or she would be held to have had reason to believe the service is likely to be denied as not reasonable and necessary and to have had a reason to give the beneficiary an advance notice.

If a physician has not been so informed and could not reasonably have been expected to know that the service was not reasonable and necessary, there is no reason for the physician to give the patient an advance notice. The physician would be justified in assuming Medicare will pay for the service. If the service is subsequently denied as not reasonable and necessary and the physician was never previously informed that Medicare does not pay for the service in the same or similar circumstances, the physician would be found not liable because he or she did not know, and could not reasonably have been expected to know, that Medicare would deny payment for the service. The physician would, of course, need to request a review of the initial determination on these grounds.

We believe the requirement that the physician explain in an advance notice why he or she believes Medicare is likely to deny payment for a service is one of the most critical elements of an advance notice. In a May 3, 1988, letter from Fortney Stark, Chairman, and Bill Gradison, Ranking Minority Member, of the House Subcommittee on Health, we were advised that Congress intended that a physician's liability should be waived only "if the physician provides specific advance notice that Medicare is LIKELY (emphasis supplied) to deny payment." The letter went on to state that an advance notice "should only be effective if the physician knows (or has a genuine reason to believe) that Medicare is likely to deny payment for the particular service." From this it is clear Congress intended that an advance notice should be used only in cases where the physician knows or believes it likely Medicare would deny payment for the service. It was not intended that physicians be able to circumvent the intent of the refund provision by routinely giving notices to all beneficiaries that merely state that Medicare may deny payment for services.

In light of this, we do not believe it is unreasonable to expect the physician to

explain to the patient why he or she believes Medicare is not likely to pay for the service. Otherwise, it would be impossible to ensure that the Medicare beneficiary actually receives sufficient relevant information to permit him or her to make an informed decision about receiving and paying for the service. An informed decision is impossible if the beneficiary has no idea why the physician expects that Medicare payment will be denied. This same thought is reflected in the comments we received from beneficiary advocacy and consumer groups in support of this requirement. We agree with those groups and have retained in the final rule the requirement that physicians give their reasons for believing Medicare is likely to deny payment.

Comment: The rule should include mandatory language for the advance notice and should prohibit physicians from using alternative reasons to explain why they believe Medicare is likely to deny payment for a service.

Response: The proposed rule set forth certain requirements an advance notice must meet to be considered acceptable. Under the proposed rule, the notice: (1) Must inform the patient that the physician believes Medicare is likely to deny payment for a service, (2) must clearly identify the particular service, and (3) must cite the physician's reasons for this belief.

In the letter sent to all physicians regarding the advance notice provisions, we provided model language for an acceptable advance notice incorporating these elements. Although we considered making the model language mandatory in all cases, we believe such a requirement could have unnecessary adverse effects on both beneficiaries and physicians. The use of a single mandatory notice could prevent physicians from drafting an advance notice pertinent to their specialty or to the unique circumstances of an individual case. Since enactment of the refund provisions, we have approved advance notice language developed by physicians when such notices have provided as much (or more) relevant information as our model notice language. We want to retain that flexibility. In our view, the more relevant information the beneficiary receives in the advance notice, the greater his or her ability to make an informed decision about receiving and paying for the service. A single mandatory notice is likely to have an inhibitory effect on physicians who might otherwise elect to provide additional information about Medicare coverage guidelines for the specific service.

Comment: HCFA should establish procedures for monitoring physicians for excessive or inappropriate use of advance notices.

Response: In order to be held not liable for a refund for a denied service on the basis of an advance notice, a physician must furnish a copy of the notice to Medicare, either through the beneficiary when he or she submits a claim to Medicare or through an appeal of an unfavorable determination that a refund is due. Thus, we expect that the carriers will review most advance notices given to beneficiaries to ensure that they conform to the regulatory requirements without any additional special monitoring procedures.

Comment: We should amend the final rule to provide that, where a physician gives a beneficiary an advance notice because he or she believes Medicare is likely to deny payment for a service, the payment decision should not be influenced by the notice.

Response: We agree that payment should not be denied merely because an advance notice was given. However, we do not believe this operational concern is an appropriate topic for inclusion in the final rule. Medicare carriers make payment decisions on the basis of instructional issuances from HCFA. The law makes clear that the refund provisions apply only where payment may not be made by reason of section 1862(a)(1) of the Act because a service otherwise covered under title XVIII is not reasonable and necessary under the standards described in that section. The only basis for a carrier to deny a service as "not reasonable and necessary" is where the requirements of section 1862(a)(1) are not met. The fact that an advance notice was given plays no part in the payment decision; it is only a factor in determining whether the physician may bill the patient for the service even though it was denied. The instructions on the refund requirements clearly state that the fact that an advance notice was given is not prejudice in any way a determination as to whether there is or is not sufficient evidence to justify a denial under section 1862(a)(1).

Comment: Carriers should be required to make known to physicians any explicit policies they use in payment decisions.

Response: Although not directly pertinent to this rule, HCFA will be taking a number of actions to ensure that physicians become more familiar with Medicare coverage guidelines. Some of the specific actions are as follows:

(1) HCFA is in the process of developing a system wherein each carrier would be required to invite comment from the State medical society and appropriate specialty societies on any changes in any medical coverage policy of that carrier. Medicare carriers will discuss comments received, correspond directly with those societies to outline potential modification of coverage policy and provide a final rationale for final policy decisions. Such correspondence will be augmented by notices in carrier newsletters and bulletins as frequently as required to communicate the information.

(2) In the above-mentioned proposed rule, HCFA will direct each carrier to seek input from the State medical society and appropriate specialty societies on specific parameters that might be used in implementing new coverage policy at the carrier level.

(3) Each carrier has been instructed to make available to the State medical society and otherwise to make public all existing medical coverage policies. Carriers have also been instructed to consider any views on existing policies and their implementation that may be submitted by medical groups and other interested parties.

We believe these steps, in combination with previous actions taken in these regards, will help make physicians much more familiar with the circumstances under which Medicare will pay for a particular service as reasonable and necessary and will significantly reduce the likelihood of an advance notice being given inappropriately.

Comment: We should establish a process by which a physician can submit a self-drafted advance notice for prior approval.

Response: Section 405.339(b) of the proposed rule stated that the physician must use "approved" notice language in an advance notice and specifies the elements necessary for such notices. While a physician is free to submit to HCFA for approval a self-drafted notice, we do not plan to establish a specific regulatory procedure for obtaining such approval.

C. Physician Appeal Rights

Comment: The proposed rule should be modified to clarify that the 15 days within which a physician must make a refund begins only after the physician receives the final "review" determination.

Response: A physician who does not accept assignment and is dissatisfied

with the initial determination has the right to request a review of that determination under the same appeals procedures currently applicable to physicians who accept assignment. The refund provisions at section 1842(1) of the Act specifically indicate that a refund is timely, in the case of a physician who does not seek appeal, if it is made within 30 days of the initial determination. Where a request for appeal is made within that 30-day period, the refund must be made within 15 days after the date the physician receives notice of an adverse determination on the initial request for appeal. There is no statutory provision for delaying the refund requirement beyond that on the basis of a request for further review.

Aside from the legal arguments against this proposal, we believe adoption of this comment would significantly lessen the protection available to the beneficiary intended by the statute. In our view, a beneficiary should be able to expect to receive a refund within a reasonably short period of time after the initial determination is made. Nevertheless, we agree that a physician should have the right to delay the refund if he or she genuinely believes that a denied service should have been paid for, or because one of the exceptions to the refund provisions is met. We believe the pre-refund appeal time frames strike a fair balance between the due process rights of physicians and the public policy favoring timely reimbursement to the beneficiary.

When a physician makes a refund which is found to be unnecessary at a subsequent level of appeal, both the physician and beneficiary are informed that the beneficiary is liable for the service and that the physician is free to collect his or her full charge (up to the maximum allowable actual charge limit) for the service.

Comment: The rule should specify a time limit within which Medicare carriers must conduct an initial review.

Response: One of the criteria used to evaluate the performance of a Medicare carrier is its timeliness in processing review requests. This is done to encourage the carriers to process such requests as quickly as possible. However, we are reluctant to put carriers in the position of having to process an appeal within a prescribed period of time. While we share the commenter's concern that refunds not be delayed an inordinate amount of time as a result of the appeals process, we believe that, in the long run, adoption of the commenter's proposal could have a deleterious effect on the appeals process. For example, if the time necessary for full development of documentation would exceed the allowed time, a review determination may be made without full development of the claim. Our overriding concern with respect to the appeals process is that carriers make proper determinations based on the available evidence, whether that decision favors the beneficiary or the physician.

Comment: Beneficiary notices should be issued only after the physician has exhausted all avenues of appeal.

Response: The statute requires that physicians make refunds to patients within 30 days of the initial determination, unless the physician requests a review of that determination within that time. Once it has been determined that a service is not reasonable and necessary, we have an obligation to inform the beneficiary of that fact. Further, to permit the physician to appeal an unfavorable determination on the question of whether a refund is required without giving the beneficiary those same rights would clearly be contrary to the best interests of the beneficiary, since the beneficiary and physician may have conflicting interests in the outcome of the physician's appeal. This could be the case if the physician appeals on the basis that proper advance notice was given to the beneficiary and the beneficiary agreed to make payment if necessary, while the beneficiary contends that, although the physician had reason to believe that Medicare payment would not be made, he or she was not given proper advance notice by the physician. In that instance, the physician is looking for a determination that would not require a refund, while the beneficiary is looking for a determination that would require that a refund be made.

Comment: The rule should state that the beneficiary becomes a party to any appeal filed by the physician.

Response: 42 CFR 405.808 currently specifies that the parties to a review are "the persons who were parties to the carrier's initial determination." Since the beneficiary is a party to the initial determination on both the payment and the refund issue, he or she also becomes a party to any appeal filed by the physician on those issues. Our current instructions make this clear and require that beneficiaries be informed when a physician files an appeal and that they be advised of the results of the review determination.

D. Claims Process

Comment: The final rule should include the claims development program under which carriers currently consult with physicians before denying a claim as not reasonable and necessary.

Response: The claims development program was developed shortly after initial implementation of the refund provision in response to the large number of complaints we received from nonparticipating physicians that they were unfamiliar with Medicare coverage guidelines and never knew whether Medicare would pay for a particular service. It was anticipated that, as the carriers contacted physicians to determine whether there was additional documentation concerning the need for a service, nonparticipating physicians would become familiar with Medicare coverage guidelines and be more likely to provide the necessary documentation on Medicare patients' bills in the first instance to avoid unnecessary denials merely because of insufficient information.

Although the claims development program was originally intended as a temporary measure, preliminary evaluation of the program indicated it has had an overall positive effect on the claims adjudication process. We are presently conducting a more comprehensive evaluation of the program. We have no plans to eliminate or curtail the program at this time, and we do not expect to do so if the positive results of our preliminary evaluation are sustained by the full evaluation in progress. If a decision is made to eliminate or modify the claims development program, we would consult with interested parties in advance and give those parties at least 60 days notice of any proposed substantial modification.

It is not the purpose of this rule, however, to revise the manner in which carriers review claims to determine whether a service is reasonable and necessary. Rather, the purpose is to set forth the principles under which we will require a physician to make a refund for a service once it has been denied as not reasonable and necessary. We have, therefore, not revised the final rule to include the claims development program.

Comment: The final rule should set forth certain requirements carriers should follow when communicating with physicians under the claims development program.

Response: Although we have not modified the final rule to include these operational requirements, we have advised the carriers in program instructions that the notices they send to physicians under the claims development program are not to be

negative or accusatory in tone, are to specify the steps required under the claims development program, and are to identify a point of contact at the carrier. The rulemaking process is designed to set forth policy principles for the public rather than operational processes. Inclusion of material in regulations such as the contents of notices or the specific procedures under which carriers process claims for payment would make the rulemaking process virtually unworkable and is clearly undesirable.

Comment: Payment decisions should only be made by qualified medical reviewers.

Response: Medical review decisions are made by trained claims examiners, nurses or physicians, according to the complexity of the case. Decisions by nonphysician reviewers are based upon medical guidelines prepared by physicians. Therefore, medical necessity decisions are based on physician-developed criteria. Since medical necessity is developed for all physician services, physician-developed criteria are used for the evaluation of each claim for physician services.

Comment: We should consider revision of the denial notices sent to Medicare beneficiaries and physicians when an unassigned claim for physicians' services is denied as not reasonable and necessary.

Response: As we indicated earlier, we do not believe it appropriate to use the rulemaking process to develop payment or payment denial notices. Notice language is communicated to Medicare carriers through program instructions. Nevertheless, we plan to give full consideration to the suggestions we received for improving the notices sent to both beneficiaries and physicians.

IV. Provisions of the Final Regulations

While the proposed rule indicated that physicians would have the same rights as beneficiaries to appeal adverse determinations and would be subject to the same time limitations, the relevant comparison is actually between physicians who submit claims on an assignment-related basis and those who do not. To assure that all physicians are treated equally with respect to appeal rights, we have modified the final rule to make clear that we are extending to physicians who do not accept assignment the same appeal rights currently available to those who do.

Additionally, although not discussed in the proposed rule, we believe it appropriate to incorporate into regulations a definition of "payment on an assignment-related basis". This rule affords an opportunity to do so. Therefore, we are revising 42 CFR part 400 to add the following definition at § 400.202:

"Payment on an assignment-related basis" means payment for Part B services—

(1) To a physician or other supplier under an assignment from the beneficiary in accordance with § 424.55 or § 424.56 of this chapter;

(2) To a physician or other supplier after the beneficiary's death, in accordance with § 424.64(c)(1) of this chapter; or

(3) To an entity that pays the physician or other supplier under a health benefit plan, in accordance with § 424.66 of this chapter.

The portion of Subpart C of part 405 in which we proposed to include the new provisions was recently redesignated as part 411 by regulations concerning Medicare recovery against third parties published on October 11, 1989 (54 FR 41716). Therefore, we are designating the proposed §405.339 as §411.408. With the exceptions noted above, and minor changes made to improve clarity, the final regulations reflect the proposals made in the December 30, 1988 proposed rule.

V. Regulatory Impact Statement

Executive Order (E.O.) 12291 requires us to prepare and publish a final regulatory impact analysis for any regulation that meets one of the E.O. criteria for a "major rule"; that is, that will be likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with the foreign-based enterprises in domestic or export markets.

We generally prepare a final regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless the Secretary certifies that a regulation will not have a significant economic impact on a substantial number of small entities. For puposes of the RFA, we treat all physicians as small entities. However, carriers, as our contractors, and beneficiaries, as individuals, are not considered small entities.

In addition, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis for any rule that may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis also must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital with fewer than 50 beds located outside a Metropolitan Statistical Area.

In the initial regulatory impact statement, we indicated that the provisions of the proposed rule would not result in impacts meeting any of the criteria specified above. The following discussion, in combination with the rest of the preamble of this final rule, responds to comments received on the initial impact statment, and states our reasons for not preparing a final impact analysis.

Comment: Two commenters suggested that HCFA should provide sufficient evidence to justify its conclusions that the impact of the proposed rule meets the exceptions to E.O. 12291. The commenters believe that an annual effect on the economy could reach the $100 million threshold based on 89,611,723 nonassigned claims received by Medicare carriers nationwide and certain assumptions. Specifically, the commenters assumed a 5 percent rate of denials on nonassigned claims for services that are determined to be not reasonable and necessary and also assumed that physicians' costs to research claims, provide documentation and file appeals would be $20 per claim. Thus, they estimated costs of approximately $90 million (89,611,723 × 5 percent × $20). The commenters wanted to know to what extent HCFA's information indicated that the economic impact is less than $100 million. Also, they stated that HCFA needs to address specifically the effects of this rule upon competition and productivity.

Response: The commenters provided estimates to support their claim that this rule meets the E.O. 12291 criteria. We do not agree with the commenters' estimates. The number of nonassigned claims cited by the commenters is correct according to HCFA claims data for FY 1988; however, no data were submitted to verify the other assumptions used. We do not maintain data that identify the specific number of nonassigned claims denied for medical necessity. However, HCFA records for FY 1988 indicate that 2 percent of all billed charges were disallowed for medical necessity. We believe that the 2 percent denial rate could reasonably apply to nonassigned claims as well. Using the 2 percent figure (percentage of denied claims for medical necessity) multiplied by $20 (commenters' assumed expense incurred by physicians for researching a claim, providing documentation and filing an appeal) multiplied by 89,611,723 (number of nonassigned claims in FY 1988), we

estimate that resultant costs will equal $35,844,688. This is well under the $100 million threshold for annual effect on the economy of E.O. 12291.

We also do not believe this rule will have a significant adverse effect upon a physician's competition and productivity. Physicians would provide written notice to beneficiaries if the physician believes a claim may be disallowed because it is not reasonable or necessary. In 1988, 665,425 physicians filed a total of 378,324,316 Medicare assigned and nonassigned claims. If approximately 2 percent of all billed charges were disallowed, this equates to approximately 11 disallowed claims per physician. Therefore, we do not anticipate a large volume of notices being prepared by physicians.

Further, the effect of this regulation would also depend upon the physician's billing practice. A physician who routinely informs Medicare beneficiaries that certain services would or would not be covered would not be as affected as physicians who do not routinely provide this information to Medicare beneficiaries.

For the reasons discussed above, in combination with the rest of this preamble, we have determined that the provisions of this final rule will not result in effects meeting any of the criteria for a "major rule." Thus, we have determined that a final regulatory impact analysis is not required.

Comment: Two commenters asserted that HCFA should provide evidence and justification of its conclusion that the implementation of this rule would not have a significant economic impact on physicians and thereby meet the exceptions provided in the RFA. The commenters believed that our statement in the proposal that we are not certain of the effects section 9332(c) of Public Law 99–509 may have on physicians is in direct contradiction to the conclusion that the rules would not result in a significant economic impact.

Response: The Regulatory Flexibility Act requires that a regulatory flexibility analysis be prepared for all regulations that will have "a significant economic impact on a substantial number of small entities."

In our initial impact statement included in the proposed rule, we did indicate that we were not certain of the effects section 9332(c) of Public Law 99–509 may have on physicians. We cannot predict the actual effects of this regulation on physicians. However, in the proposed rule we did identify possible effects and present possible outcomes and conclusions. Included in the discussion were possible effects on physician participation and physician appeal rights. For example, more physicians might choose to enter into participation agreements or, on the other hand, they may choose not to provide services to Medicare beneficiaries when faced with the uncertain prospect of either providing refunds to beneficiaries or risking legal sanctions for violations of Medicare requirements. We believe that most physicians will continue to provide services to Medicare beneficiaries, and choose to accept assignment or not depending on the individual claim.

Physicians affected by this change will be able to file appeals contesting both denials of payment and determinations that the physician should have known that Medicare will not pay for the service. In the past, physicians providing services on an unassigned basis have not possessed this right. While this legislative change will not affect Medicare program expenditures (it affects only the placement of liability for services that are denied under current standards), we do expect Medicare carriers and PROs, to the extent that PROs review physician services, to incur some incremental administrative costs for the increase in review and hearings workload. These costs will be paid for through the contractor budget development process.

We do not believe these regulations would have a significant economic impact for the same reasons as stated above and in response to the comment concerning E.O. 12291. Therefore, we have determined and the Secretary certifies, that this rule will not have a significant economic impact on a substantial number of small entities, or on the operations of a substantial number of small rural hospitals. We have, therefore, not prepared a final regulatory flexibility analysis or a final impact analysis for small rural hospitals.

VI. Paperwork Reduction Act

Section 411.408 of this rule contains information collection requirements subject to Executive Office of Management and Budget review under the Paperwork Reduction Act of 1980. In order for a physician to qualify for a waiver of the refund requirement, the physician must inform the beneficiary (or person acting on the beneficiary's behalf) that he or she believes Medicare is likely to deny payment. Section 411.408(f)(1) describes the content of such notices. Public reporting burden for this collection of information is estimated to be 5–10 minutes per visit but is applicable only to those visits where the physician believes Medicare is likely to deny payment for a service as not reasonable and necessary. A notice will be published in the **Federal Register** when approval is obtained. Other organizations and individuals desiring to submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should direct them to the Office of Management and Budget, Office of Information and Regulatory Affairs, Room 3002, New Executive Office Building, Washington, DC 20503, Attention: Allison Herron, HCFA Desk Officer.

List of Subjects

42 CFR Part 400

Grant programs-health, Health facilities, Health maintenance organizations (HMO), Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 411

Kidney diseases, Health professions, Medicare, Recovery against third parties, Reporting and recordkeeping requirements, Secondary payments.

For the reasons set out in the preamble, 42 CFR parts 400 and 411 are amended as follows:

PART 400—INTRODUCTION; DEFINITIONS

1. The authority citation for part 400 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. chapter 35.

2. In § 400.202, the following definition is inserted in alphabetical order:

§ 400.202 [Amended]

Payment on an assignment-related basis means payment for Part B services—

(1) To a physician or other supplier that accepts assignment from the beneficiary, in accordance with § 424.55 or § 424.56 of this chapter;

(2) To a physician or other supplier after the beneficiary's death, in accordance with § 424.64(c)(1) of this chapter; or

(3) To an entity that pays the physician or other supplier under a health benefit plan, in accordance with § 424.66 of this chapter.

PART 411—EXCLUSION FROM MEDICARE AND LIMITATIONS ON MEDICARE PAYMENT

1. The authority citation for part 411 is revised to read as follows:

Authority: Secs. 1102, 1842(l), 1862, 1871, and 1871, and 1879 of the Social Security Act (42 U.S.C. 1302, 1395u, 1395y, 1395hh, and 1395pp).

2. A new § 411.408 is added to read as follows:

§ 411.408 Refunds of amounts collected for physician services not reasonable and necessary, payment not accepted on an assignment-related basis.

(a) *Basic rule.* Except as provided in paragraph (d) of this section, a physician who furnishes a beneficiary services for which the physician does not undertake to claim payment on an assignment-related basis must refund any amounts collected from the beneficiary if Medicare payment is denied because the services are found to be not reasonable and necessary under § 411.15(k).

(b) *Time limits for making refunds.* A timely refund of any incorrectly collected amounts of money must be made to the beneficiary to whom the services were furnished. A refund is timely if—

(1) A physician who does not request a review within 30 days after receipt of the denial notice makes the refund within that time period; or

(2) A physician who files a request for review within 30 days after receipt of the denial notice makes the refund within 15 days after receiving notice of an initial adverse review determination, whether or not the physician further appeals the initial adverse review determination.

(c) *Notices and appeals.* If payment is denied for nonassignment-related claims because the services are found to be not reasonable and necessary, a notice of denial will be sent to both the physician and the beneficiary. The physician who does not accept assignment will have the same rights as a physician who submits claims on an assignment-related basis, as detailed in Subpart H of Part 405 and subpart B of part 473, to appeal the determination, and will be subject to the same time limitations.

(d) *When a refund is not required.* A refund of any amounts collected for services not reasonable and necessary is not required if—

(1) The physician did not know, and could not reasonably have been expected to know, that Medicare would not pay for the service; or

(2) Before the service was provided—

(i) The physician informed the beneficiary, or someone acting on the beneficiary's behalf, in writing that the physician believed Medicare was likely to deny payment for the specific service; and

(ii) The beneficiary (or someone eligible to sign for the beneficiary under § 424.36(b) of this chapter) signed a statement agreeing to pay for that service.

(e) *Criteria for determining that a physician know that services were excluded as not reasonable and necessary.* A physician will be determined to have known that furnished services were excluded from coverage as not reasonable and necessary if one or more of the conditions in § 411.206 of this subpart are met.

(f) *Acceptable evidence of prior notice to a beneficiary that Medicare was likely to deny payment for a particular service.* To qualify for waiver of the refund requirement under paragraph (d)(2) of this section, the physician must inform the beneficiary (or person acting on his or her behalf) that the physician believes Medicare is likely to deny payment.

(1) The notice must—

(i) Be in writing, using approved notice language;

(ii) Cite the particular service or services for which payment is likely to be denied; and

(iii) Cite the physician's reasons for believing Medicare payment will be denied.

(2) The notice is not acceptable evidence if—

(i) The physician routinely gives this notice to all beneficiaries for whom he or she furnishes services; or

(ii) The notice is no more than a statement to the effect that there is a possibility that Medicare may not pay for the service.

(g) *Applicability of sanctions to physicians who fail to make refunds under this section.* A physician who knowingly and willfully fails to make refunds as required by this section may be subject to sanctions as provided for in chapter V, parts 1001, 1002, and 1003 of this title.

(Catalog of Federal Domestic Assistance Programs No. 13.774; Medicare—Supplementary Medical Insurance)

Dated: October 13, 1989.

Louis B. Hays,

Acting Administrator, Health Care Financing Administration.

Approved: February 17, 1990.

Louis W. Sullivan,

Secretary.

Note: This document was received by the Office of the Federal Register on June 12, 1990.

[FR Doc. 90–13992 Filed 6–15–90; 8:45 am]

BILLING CODE 4120–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations, Alabama et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or 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 base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in flood-prone areas in accordance with 44 CFR part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation

determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

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, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Marshall County (unincorporated areas) (FEMA docket No. 6978)	
Tennessee River:	
At western county boundary	*577
Just downstream of Guntersville Dam	*581
Just upstream of Guntersville Dam	*596
At eastern county boundary	*597
Big Spring Creek:	
About 2.7 miles upstream of U.S. Highway 431	*598
About 3000 feet upstream of Joe Reeves Road	*645
Hog Creek:	
About 1.4 miles downstream of State Highway 205	*963
About 2250 feet upstream of State Highway 205	*1002
Maps available for inspection at the County Courthouse, Guntersville, Alabama.	
ALASKA	
Juneau (city and borough), (FEMA docket No. 6978)	
Montana Creek:	
Approximately 500 feet upstream of confluence with Mendenhall River	*29
Just downstream of Mendenhall Loop Road	*46
Just upstream of Mendenhall Loop Road	*48
Approximately 6,200 feet downstream from Montana Creek Road	*89
Approximately 5,400 feet downstream from Montana Creek Road	*101
Approximately 2,800 feet downstream from Montana Creek Road	*122
Just downstream of confluence with McGinnis Creek	*291
Montana Creek Overbank Flow:	
At convergence with Montana Creek	*36
Approximately 800 feet upstream of convergence with Montana Creek	*37
Approximately 1,400 feet upstream of confluence with Montana Creek	*41
Mendenhall River:	
At confluence with Gastineau Channel	*20
Approximately 2,600 feet downstream of Mendenhall Loop Road	*38
Just downstream of Mendenhall Loop Road	*53
Just upstream of Mendenhall Loop Road	*56
Approximately 800 feet upstream of Mendenhall Loop Road	*59
At Mendenhall Lake	*63
Maps are available for review at the Department of Commerce and Regional Affairs, Municipal Regional Assistance Division, 949 East 36th Avenue, Suite 404, Anchorage, Alaska.	
ARIZONA	
Apache County (unincorporated areas) (FEMA docket No. 6975)	
Nutrioso Creek:	
Approximately 1,655 feet downstream of North Papago Street	*6,929
Approximately 2,875 feet upstream of North Papago Street	*6,951
Approximately 1,280 feet upstream of abandoned highway bridge	*6,965
Approximately 6,080 feet upstream of abandoned highway bridge	*6,990
Approximately 12,580 feet upstream of abandoned highway bridge	*7,015
Maps are available for review at Apache County Planning and Zoning Department, 75 West Clezeland, St. Johns, Arizona.	
Flagstaff (city), Coconino County (FEMA docket No. 6978)	
Switzer Canyon Wash:	
Approximately 120 feet downstream of the downstream Turquoise Drive crossing	*6,874
Approximately 2,000 feet upstream of the downstream Turquoise Drive crossing	*6,910
Approximately 1,320 feet downstream of Cedar Avenue	*6,951
At confluence with Switzer Canyon Wash East	*6,984
Approximately 1,160 feet upstream of San Francisco Street, at the corporate limits	*7,013
Maps are available for review at City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.	
Oro Valley (town), Pima County (FEMA docket No. 6984)	
Canada Del Oro Wash:	
Just downstream of First Avenue Bridge	*2,570
Just upstream of U.S. Highways 80 and 89	*2,640
Maps are available for review at the Department of Public Works, 10900 North Stallard Place, Suite 128A, Oro Valley, Arizona.	
Springerville (town), Apache County (FEMA docket No. 6975)	
Nutrioso Creek:	
Approximately 2,400 feet downstream of North Zuni Street (extended)	*6,929
Approximately 440 feet downstream of North Zuni Street (extended)	*6,934
North Zuni Street at the corporate limits	*6,945
Maps are available for review at the Apache County Planning and Zoning Department, 75 West Clezeland, St. Johns, Arizona.	
California	
Calaveras County (unincorporated areas) (FEMA Docket No. 6975)	
Cosgrove Creek:	
Approximately 1,300 feet downstream of Vista Del Lago Road	*590
Just upstream of Vista Del Lago Road	*594
Just downstream of Gold Creek Bridge and approximately 200 feet east of the Gold Creek levee	*613
At the confluence of Spring Valley Creek	*623
Approximately 1,250 feet upstream of New Hogan Dam Road	*632
San Antonio Creek Tributary:	
Just upstream of Cedar Lane	*3,829
Approximately 1,280 feet upstream of Cedar Lane	*3,843
Approximately 2,580 feet upstream of Cedar Lane	*3,872
Approximately 2,100 feet downstream of Pine Drive	*3,900
Just upstream of Pine Drive	*3,933
Maps are available for review at the Calaveras County Government Center, Building Inspector's Office, 891 Mountain-Ranch Road, San Andreas, California.	
Lakeport (city), Lake County (FEMA docket No. 6946)	
Forbes Creek:	
Approximately 200 feet downstream of Main Street	*1,331
At intersection of Forbes Street and Martin Street	#2
Approximately 500 feet upstream of Fairgrounds Road	*1,341
Approximately 510 feet upstream of Pacific Regency Way	*1,367
Approximately 2,480 feet upstream of Pacific Regency Way	*1,383
North Branch Forbes Creek:	
Approximately 200 feet downstream of Armstrong Street	*1,341
Approximately 520 feet upstream of Russell Street	*1,349
At intersection of Estep Street and Martin Street	#1
Pier 1900 Drain:	
Just upstream of Main Street	*1,334
Just downstream of State Highway 29	*1,345
At Main Street	#1
Tenth Street Drain:	
At intersection of Main Street and 10th Street	#1
Just upstream of Brush Street	*1,337
Approximately 160 feet upstream of Pool Street	*1,349
Approximately 200 feet east of intersection of Central Park Avenue and 11th Street	#3
Maps are available for inspection at City Hall, 225 Park Street, Lakeport, California.	
Mariposa County (unincorporated areas) (FEMA docket No. 6975)	
Mariposa Creek:	
Approximately 100 feet upstream of Mormon Bar Road	*1754
Approximately 500 feet upstream of Highway 140	*1904
Approximately 50 feet upstream of 17th Street	*1967
Approximately 1,125 feet downstream of Highway 49	*2078
Approximately 300 feet upstream of Highway 49	*2128
Merced River:	
Approximately 200 feet upstream of Foresta Road	*1682
Approximately 700 feet upstream of Pigeon Gulch confluence with Merced River	*1731
Approximately 200 feet upstream of Highway 140	*1840
Approximately 100 feet downstream of Crane Creek confluence with Merced River	*1977
Approximately 200 feet upstream of Section Line 15/16 in Township 3 South and Range 20 East	*2136
Merced River Left Overbank:	
Approximately 200 feet upstream of confluence with Merced River	*1785
Approximately 650 feet upstream of confluence with Merced River	*1791
Approximately 550 feet downstream of Highway 140	*1822
South Fork Merced River:	
Approximately 23.6 miles above river mouth	*4015
Approximately 23.89 miles above river mouth	*4034
Approximately 24.23 miles above river mouth	*4060
Approximately 24.66 miles above river mouth	*4094
Approximately 24.92 miles above river mouth	*4121

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps are available for review at the Department of Public Works, 4639 Ben Hur Road, Mariposa, California.	
Roseville (city), Placer County (FEMA docket No. 6978)	
Antelope Creek:	
At confluence with Miners Ravine and Dry Creek	*155
Just upstream of Southern Pacific Railroad	*164
Just upstream of County Dump Road and Maya Archery Club	*172
Approximately 3,000 feet upstream of County Dump Road and Maya Archery Club	*174
At northern corporate limits	*182
Cirby Creek:	
At confluence with Dry Creek	*135
At Oak Ridge Road	*141
Just upstream of Rocky Ridge Drive	*158
Approximately 250 feet downstream of Winchester Way	*164
At intersection of Colema Way and Trimble Way	#1
At intersection of Trimble Way and Wendy Court	#3
Dry Creek:	
At southwestern corporate limits	*111
At Vernon Street	*134
Just downstream of Darling Way	*136
Just upstream of Folsom Road	*149
At confluence of Antelope Creek and Miners Ravine	*155
Linda Creek:	
At confluence with Cirby Creek	*137
Just upstream of Rocky Ridge Road	*155
At Champion Oaks Drive	*158
Just upstream of New Auburn Road	*166
At Old Auburn Road	*168
Miners Ravine:	
At confluence with Antelope Creek and Dry Creek	*155
Just upstream of confluence of Secret Ravine	*171
Approximately 4,075 feet upstream of confluence of Secret Ravine	*193
Approximately 8,900 feet upstream of confluence of Secret Ravine	*221
At eastern corporate limits	*235
Pleasant Grove Creek:	
Approximately 1,025 feet upstream of Fiddyment Road	*90
Approximately 4,000 feet upstream of Fiddyment Road	*92
Approximately 7,200 feet upstream of Fiddyment Road	*96
Approximately 200 feet upstream of Industrial Boulevard	*107
Approximately 3,000 feet upstream of Industrial Boulevard	*109
Secret Ravine:	
At confluence with Miners River	*171
Just upstream of Roseville Reservoir Access Road	*173
Approximately 1,050 feet upstream of Reservoir Access Road	*177
At northern corporate limits	*196
South Branch Pleasant Grove Creek:	
Approximately 1,000 feet upstream of confluence with Pleasant Grove Creek	*90
Approximately 4,500 feet upstream of confluence with Pleasant Grove Creek	*93
Approximately 100 feet upstream of Foothill Boulevard	*116
Just downstream of Interstate Highway 65	*121
Approximately 8,025 feet upstream of Diamond Oaks Road	*157
Strap Ravine:	
At confluence with Linda Creek	*156
Just upstream of McClaren Drive	*157
Just downstream of Johnson Ranch Drive	*192
At East Roseville Parkway	*200
At eastern corporate limits	*217
Maps are available for inspection at City Hall, 316 Vernon Street, Roseville, California.	
San Bernardino County (unincorporated areas) (FEMA docket No. 6984)	
Lytle Creek:	
Approximately 1,400 feet downstream of confluence of Middle Fork Lytle Creek with South Fork Lytle Creek	*2,848
At the confluence of South Fork Lytle Creek	*2,895
South Fork Lytle Creek:	
Approximately 900 feet upstream of the confluence with Middle Fork Lytle Creek	*2,940
Approximately 2,000 feet upstream of the confluence with Middle Fork Lytle Creek	*3,000
Approximately 3,650 feet upstream of the confluence of Middle Fork Lytle Creek	*3,102
Middle Fork Lytle Creek:	
At the confluence with South Fork Lytle Creek	*2,895
At South Fork Road	*2,962
At the confluence of North Fork Lytle Creek	*2,972
Approximately 3,400 feet upstream of South Fork Road	*3,148
Yucca Creek (at Joshua Tree):	
At Sunever Road	*2,518
At California Avenue	*2,551
At Sunset Road	*2,791
At Linda Lee Drive	*3,129
At Paxton Road	*3,196
Joshua Tree Creek:	
At the confluence with Yucca Creek	*2,574
At Rice Avenue	*2,625
At Sunburst Street	*2,694
Quail Wash:	
At the confluence with Joshua Tree Creek	*2,646
At Twentynine Palms Highway	*2,718
Approximately 4,300 feet upstream of Twentynine Palms Highway	*2,834
Little Chino Creek:	
At the confluence with Carbon Canyon Creek	*674
At Peyton Drive	*697
At Feldspar Avenue	*736
Approximately 575 feet upstream of Feldspar Avenue	*742
Carbon Canyon Creek:	
Approximately 100 feet downstream of Ramona Avenue	*617
Approximately 200 feet upstream of Pipeline Avenue	*654
At the confluence of Little Chino Creek	*674
At English Place	*720
Just upstream of English Road	*761
San Timoteo Creek:	
At the City of Loma Linda and San Bernardino County boundary	*1,155
At California Street	*1,206
At San Timoteo Canyon Road	*1,298
At Allesandro Road	*1,445
At San Bernardino County Boundary	*1,520
Morey Arroyo:	
At the intersection of Orange Avenue and Iowa Street	#1
At the intersection of Park Avenue and California Street	#1
The Zanja:	
The area from New Jersey Street to Iowa Street within 700 feet north of the Zanja	#2
Maps are available for review at the San Bernardino County Government Center, Land Development Section, 385 North Arrowhead Avenue, San Bernardino, California.	
Santa Barbara County (unincorporated areas) (FEMA docket No. 6975)	
San Jose Creek:	
At the confluence with San Pedro Creek	*9
At Darford Drive Extended	*13
Just upstream of Hollister Avenue	*37
Just upstream of U.S. 101 westbound	*54
Approximately 100 feet upstream of U.S. 101	*56
Street Flow Along Hollister Avenue (Shallow Flooding):	
Approximately 120 feet west of Kellogg Avenue	*35
At the intersection of Pine Avenue and Hollister Avenue	#1
Rincon Creek:	
Approximately 150 feet upstream of the coast line	*13
Just downstream of U.S. 101 South Frontage Road	*16
Approximately 200 feet upstream of Southern Pacific Railroad	*42
Approximately 100 feet downstream of Bates Road (County Road 3510)	*70
Carneros Creek:	
Approximately 100 feet downstream of Los Carneros Road	*43
Just upstream of Los Carneros Road	*49
Approximately 600 feet upstream of Los Carneros Road	*50
Tecolotito Creek:	
Approximately 1,160 feet downstream of U.S. Highway 101	*24
Approximately 260 feet downstream of U.S. Highway 101	*31
Approximately 550 feet upstream of U.S. Highway 101	*39
Buena Vista Creek (East Branch):	
At Las Fuentes Drive located upstream of the confluence of Buena Vista Creek (West Branch)	*238
At East Valley Road	*256
Buena Vista Creek (West Branch):	
At Boundary Drive	*249
At East Valley Road	*255
Maps are available for review at the Santa Barbara County Flood Control Department, 123 East Anapamu Street, Santa Barbara, California.	
Sebastopol (city), Sonoma County (FEMA docket No. 6978)	
Laguna de Santa Rosa:	
At Sebastopol Avenue	*75
Maps are available for review at City Hall, 7120 Bodega Avenue, Sebastopol, California.	
Shasta County (unincorporated areas) (FEMA docket No. 6975)	
Churn Creek:	
Approximately 400 feet upstream of Interstate Highway 5	*632
Approximately 1,250 feet upstream of Oasis Road	*648
Approximately 100 feet above confluence with North Tributary Churn Creek	*713
Clover Creek (near Sacramento River):	
Approximately 525 feet upstream of Airport Road Bridge	*409
Just upstream of Hole-in-one Drive Bridge	*470
Just downstream of Lyal Lane	*490
Approximately 250 feet upstream of Sylvia Lane	*494
Approximately 1,750 feet upstream of Freeman Road	*515
Salt Creek:	
Approximately 1,250 feet downstream of Mendocino Street	*646
Approximately 350 feet downstream of Interstate Highway 5	*665
Approximately 1,875 feet upstream of Deer Creek Avenue	*700
Approximately 175 feet upstream of Front Street	*761
Approximately 1,200 feet upstream of Revin Lane	*804
Tormey Drain:	
Approximately 100 feet downstream of Shelley Lane	*395
At Merrill Lane	*399
Just downstream of Davey Way	*400
Newton Creek:	
At confluence with Churn Creek	*635
Just downstream of Oasis Road	*644
Approximately 2,700 feet upstream of Oasis Road	*660
Approximately 500 feet upstream of Southern Pacific Railroad	*737
Approximately 50 feet upstream of centerline of Lake Boulevard	*772
North Tributary Churn Creek:	
Approximately 50 feet upstream of confluence with Churn Creek	*712
Approximately 150 feet upstream of Ashby Road	*745
Approximately 60 feet upstream of Southern Pacific Railroad	*792
Approximately 220 feet upstream of Twin Lakes Mobile Home Park office	*871
Buckeye Creek:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Just above confluence with Churn Creek	*631
Approximately 60 feet upstream of Oasis Road	*658
Approximately 160 feet upstream of Belt Line Road	*684
Approximately 20 feet downstream of Southern Pacific Railroad	*701
Maps are available at the Shasta County Water Agency, 1670 Market Street, Suite 240, Redding, California.	
Sutter Creek (city), Amador County (FEMA docket No. 6978)	
Sutter Creek	
Approximately 300 feet upstream of the sewage treatment plant	*1,154
Just upstream of the Amelia Street Extension	*1,172
At the State Highway 49/Main Street Bridge	*1,187
Approximately 50 feet upstream of the footbridge near Eureka Trail Extension	*1,193
At the eastern corporate limits	*1,197
Maps are available for review at City Hall, 18 Main Street, Sutter Creek, California.	
Tuolumne County (unincorporated areas) (FEMA docket No. 6975)	
Sullivan Creek:	
Approximately 50 feet downstream of State Highway 108	*1,983
Just upstream of Potato Ranch Road	*2,405
At Paseo de Los Portales Road	*2,413
At Hidden Valley Road	*2,617
Approximately 250 feet upstream of Crestview Drive	*2,658
Maps are available for review at the Tuolumne County Planning Department, 2 South Green Street, Sonora, California.	
Ventura County (unincorporated areas) (FEMA docket No. 6978)	
Rincon Creek:	
Approximately 1,125 feet downstream of U.S. Highway 101 southbound bridge	*10
Just downstream of the Southern Pacific Railroad	#1
Approximately 125 feet upstream of the Southern Pacific Railroad	*40
Approximately 100 feet downstream of the Bates Road Bridge	*70
Maps are available for review at the Department of Public Works, 800 South Victoria Avenue, Ventura, California.	
COLORADO	
El Paso County, (unincorporated areas) (FEMA docket No. 6978)	
Dirty Woman Creek:	
Just downstream of Mitchell Avenue	*6,879
Just upstream of Mitchell Avenue	*6,886
Just upstream of the Denver and Rio Grande Railroad	*6,895
Just upstream of Old Denver Highway	*6,925
Just downstream of Interstate Highway 85/87	*6,950
Crystal Creek:	
At the confluence with Monument Lake	*6,920
Just upstream of Davidson Street	*6,948
Just upstream of Abandoned Railroad Bridge	*6,999
At Beacon Light Road	*7,013
At the Unnamed Road, approximately 1,100 feet upstream of Beacon Light Road	*7,044
Maps are available for inspection at the Regional Building Office, 101 West Costilla, Colorado Springs, Colorado.	
Rangely (town), Rio Blanco County (FEMA docket No. 6984)	
White River:	
At the confluence of Douglas Creek	*5,221
Just downstream of the levee extending north from the Rangely Airport	*5,237
Just past the end of the northeast runway at Rangely Airport	*5,240
Maps are available for review at Town Hall, Department of Public Works, 209 East Main Street, Rangely, Colorado	
Weld County (unincorporated areas) (FEMA docket No. 6984)	
Coal Creek:	
Approximately 450 feet downstream of Perry Street	*5,022
Approximately 2,200 feet upstream of Perry Street	*5,033
Approximately 500 feet downstream of Cottonwood Extension Ditch	*5,041
Approximately 10,800 feet upstream of Cottonwood Extension Ditch	*5,064
Maps are available for review at Department of Planning, 915 10th Street, Greeley, Colorado.	
CONNECTICUT	
Waterford (town), New London County (FEMA docket No. 6975)	
Niantic River:	
Along Old Mill Road	*10
At Summer Rest Road extended	*10
Niantic Bay:	
At corporate limits	*14
At Millstone Nuclear Access Road extended	*16
Long Island Sound:	
At Amtrack extended	*16
At White Point	*15
Jordan Cove:	
South Side of Jordan Cove Road	*13
At Baldwin Drive extended	*10
Goshen Cove:	
North side of Great Neck Road	*10
Alewife Cove:	
Along Shore Drive	*10
At Niles Hill Road No. 1 extended	*10
Maps available for inspection at the Town Hall, Rope Ferry Road, Waterford, Connecticut.	
IDAHO	
Bancroft (city), Caribou County (FEMA docket No. 6975)	
Portneuf River:	
At the intersection of Center Street and Third Avenue West	*5,419
Maps are available for review at City Hall, 23 South Main Street, Bancroft, Idaho.	
Canyon County (unincorporated areas) (FEMA docket No. 6975)	
Boise River:	
Approximately 6,460 feet downstream of Union Pacific Railroad Crossing	*2,338
Approximately 240 feet downstream of U.S. Highway 84	*2,354
Just upstream of Plymouth Street Bridge	*2,366
Approximately 2,300 feet upstream of Plymouth Street Bridge	*2,365
Willow Creek:	
At confluence with Boise River	*2,381
Just upstream of Sewage Lagoon Bridge	*2,386
At farm bridge 2,000 feet upstream of Sewage Lagoon Bridge	*2,392
Just downstream of Railroad Bridge	*2,420
Maps are available for review at the Canyon County Courthouse, 1115 Albany Street, Caldwell, Idaho.	
Middleton (city), Canyon County (FEMA docket No. 6978)	
Willow Creek:	
Just upstream of the confluence with the Boise River	*2,381
Approximately 500 feet upstream of the sewage lagoon bridge, at the City of Middleton corporate limits	*2,387
Approximately 1,450 feet downstream of State Highway 44, at the corporate limits	*2,394
Just upstream of the Concord Street Bridge	*2,410
Just downstream of the Union Pacific Railroad Bridge	*2,420
Maps are available for review at City Hall, 15 North Dewey Avenue, Middleton, Idaho.	
Valley County (unincorporated areas) (FEMA docket No. 6975)	
North Fork Payette River:	
Approximately 16,350 feet downstream of State Highway 55 Bridge	*4,725
Approximately 3,500 feet downstream of State Highway 55 Bridge	*4,729
Approximately 4,600 feet upstream of State Highway 55 Bridge	*4,732
Approximately 10,400 feet upstream of State Highway 55 Bridge	*4,736
Approximately 10,150 feet downstream of confluence with Williams Creek	*4,901
Approximately 200 feet downstream of confluence with Williams Creek	*4,918
Approximately 5,450 feet upstream of Unnamed Bridge that is 3,050 feet upstream of confluence with Williams Creek	*4,937
Approximately 13,750 feet upstream of Unnamed Bridge that is 3,050 feet upstream of confluence with Williams Creek	*4,980
Maps are available for review at the County Building Official's Office, Courthouse Annex, 108 West Spring Street, Cascade, Idaho.	
INDIANA	
Allen County (unincorporated areas) (FEMA docket No. 6975)	
Willow Creek:	
At mouth	*810
At confluence	*825
Hatch Ditch:	
At mouth	*825
About 600 feet upstream of Shoaff Road	*835
Willow Creek Branch No. 8:	
At mouth	*820
Just downstream of North County Line Road	*845
Willow Creek Branch No. 7:	
At mouth	*825
Just downstream of Lima Road	*836
Ringwalt Ditch:	
At mouth	*810
Just downstream of Abandoned Railroad	*818
Cedar Creek:	
At mouth	*778
Just downstream of North County Line Road	*816
Little Cedar Creek:	
At mouth	*811
Just downstream of County Boundary	*818
Geller Ditch:	
Just downstream of Hand Road	*829
Just downstream of Conrail	*836
Just upstream of Conrail	*848
About 1,400 feet upstream of State Route 3	*849
St. Joseph River:	
About 2,100 feet downstream of confluence of Salagy Ditch	*769
About 1.3 miles upstream of Norfolk Southern Railroad	*792
Seegar Ditch:	
At mouth	*806
Just upstream of Washington Center Road	*846
Benward Ditch:	
At confluence of Bobay Ditch	*834
About 300 feet downstream of U.S. Route 33	*843
Bobay Ditch:	
At mouth	*834
About 0.8 miles upstream of Fritz Road	*840
Spy Run Creek:	
Just upstream of Washington Center Road	*803
Just upstream of Graham Drive	*826
Waters Ditch:	
At mouth	*787
Just downstream of Coldwater Road	*801
Becketts Run:	
Just upstream of Leo Road	*771
Just downstream of abandoned railroad	*813
Just upstream of abandoned railroad	*819
At confluence of Huguenard No. 2	*827
Swift Ditch:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Just downstream of Leo Road	*778
Just downstream of Interstate 69	*788
Schoppman Ditch:	
About 900 feet upstream of St. Joe Road	*765
About 1,000 feet upstream of Brookwood Drive	*782
Salagy Ditch:	
At mouth	*769
Just downstream of Salge Drive	*787
Tiernon Ditch:	
At mouth	*772
About 0.7 miles upstream of Schwartz Road	*814
Roy Delagrange Ditch:	
At mouth	*811
Just downstream of Auburn Road	*826
Ely Run:	
At mouth	*775
Just downstream of U.S. Route 27	*819
Beightle-Nettlehorst Ditch:	
At mouth	*780
Just downstream of Viberg Road	*817
Smith Northrup Drain:	
At mouth	*777
About 1,300 feet upstream of Metesh Trail	*796
Rivert Ditch:	
At mouth	*790
Just downstream of Wheelock Road	*800
Mowrer Ditch:	
At mouth	*772
About 700 feet upstream of Center Road	*782
Sixmile Creek:	
At mouth	*748
At confluence of Koester Ditch	*757
Koester Ditch:	
At mouth	*757
At confluence of Langley Ditch	*772
Langley Ditch:	
At mouth	*772
At confluence of Grice Ditch	*777
Maumee River:	
About 1.0 miles downstream of Scipio Road	*724
Just downstream of U.S. Route 30	*754
Marsh Ditch:	
At mouth	*728
Just upstream of confluence of Hetrick Ditch	*744
Hatfley Ditch:	
At mouth	*806
Just upstream of Norfolk Southern Railway	*813
Whitmer Ditch:	
At mouth	*781
Just downstream of Main Street	*806
Just upstream of Main Street	*812
About 650 feet upstream of Main Street	*812
Black Creek:	
At confluence of Reichelderfer Ditch	*749
Just upstream of Antwerp Road	*780
Reichelderfer Ditch:	
At mouth	*749
About 1600 feet upstream of Hamm Road	*764
Fairfield Ditch:	
About 400 feet downstream of Lower Huntington Road	*767
Just downstream of Lower Huntington Road	*769
Harber Ditch:	
At mouth	*769
Just downstream of Norfolk Southern Railway	*795
Just upstream of Norfolk Southern Railway	*801
Just downstream of Yoder Road	*811
Dennis Ditch:	
At mouth	*785
Just downstream of Doyle Road	*794
Dannenfelser-Cochoit Ditch:	
About 1,500 feet downstream of Salma Drive	*781
Just downstream of Doyle Road	*786
Bender Ditch:	
At mouth	*759
Just downstream of Tillman Road	*796
Deptmer Ditch:	
At mouth	*795
Just downstream of County Line Road	*809
Snyder Ditch:	
At mouth	*769
Just downstream of Conners Road	*801
Trier Ditch:	
At mouth	*750
Just downstream of Paulding Road	*769
Paul Trier Ditch: Within community	*771
St. Marys River:	
Just upstream of Lower Huntington Road	*766
About 400 feet downstream of South County Line Road	*777
Houk Ditch:	
Just upstream of Flatrock Road	*818
Just downstream of Emenhiser Road	*830
Suter Ditch:	
At mouth	*780
Just downstream of Coverdale Road	*791
Robinson Creek:	
At mouth	*756
At confluence of Brindle Ditch	*791
Brindle Ditch:	
At mouth	*791
Just downstream of Pleasant Center Road	*798
Woods Ditch:	
At mouth	*791
About 2,200 feet downstream of Yoder Road	*811
Aboite Creek:	
About 350 feet downstream of Powell Road	*756
At confluence of Beal Taylor Ditch	*796
Beal Taylor Ditch:	
At mouth	*796
Just downstream of West County Line Road	*836
Bichacoff Ditch:	
At mouth	*767
Just downstream of County Line Road	*788
Big Indian Creek:	
At mouth	*780
Just downstream of County Line Road	*804
Martin Ditch at St. Joseph's River:	
At mouth	*771
About 500 feet upstream of Leo Road	*788
Natural Drain No. 2:	
At mouth	*805
Just downstream of Washington Center Road	*808
Little River:	
At County Boundary	*755
At confluence with Robinson Creek	*756
Durnell Ditch:	
At mouth	*767
Just upstream of Hadley Road	*830
Graham McCulloch Ditch:	
At mouth	*755
Just downstream of old railroad grade	*756
Just upstream of old railroad grade	*762
At confluence with Flaugh Ditch	*767
Flaugh Ditch:	
At mouth	*767
About 750 feet upstream of Kroemer Road	*822
Graham McCulloch Natural Drain No. 7:	
At mouth	*764
About 1,300 feet upstream of Dickie Road	*797
Junk Ditch: Within community	*756
Doctor Ditch:	
At mouth	*767
About 300 feet downstream of Paulding Road	*778
Lawrence Branch:	
At mouth	*776
Just downstream of Covington Road	*783
Lowther—Neuhaus Ditch:	
Just upstream of Conrail	*783
Just downstream of State Boulevard	*787
Drain No. 6:	
At mouth	*787
Just upstream of Butler Road	*797
Bullerman Ditch:	
At mouth	*749
About 1,600 feet upstream of Putt Lane	*793
Bullerman Branch:	
At mouth	*777
About 0.34 miles upstream of Stellhorn Road	*781
Bender Ditch:	
Just upstream of Seiler Road	*771
Just downstream of Tillman Road	*796
Adams Ditch:	
At mouth	*774
Just downstream of Conrail	*790
Schmidt Ditch:	
At mouth	*771
Just downstream of Tillman Road	*794
Eightmile Creek:	
Just downstream of Hamilton Road	*764
About 800 feet upstream of Interstate 69	*772
Witzgall Ditch:	
Just upstream of County Line Road	*786
Just downstream of Yoder Road	*802
Johnson Ditch:	
At mouth	*798
Just downstream of Temple Timbers Road	*800
Brown Ditch:	
At mouth	*793
Just downstream of Whitten Road	*796
Flatrock Creek:	
Just downstream of Hoffman Road	*777
Just downstream of Lortie Road	*784
Adam Schelmmer Baker Drain:	
Just downstream of Flatrock Road	*786
Just downstream of Hoagland Road	*797
Huguenard No. 2:	
At confluence with Beketts Run	*827
Just upstream of Till Road	*831
Edgerton-Carson Ditch:	
At mouth	*743
Just downstream of State Route 101	*747
St. Marys Flowage: Within community	*756
Maps available for inspection at the Surveyor's Office, City/County Building, Ft. Wayne, Indiana.	
INDIANA	
Fort Wayne (city), Allen County (FEMA docket No. 6975)	
Natural Drain No. 7:	
At mouth	*815
About 350 feet upstream of Hatfield Road	*820
Spy Run Creek:	
At mouth	*758
Just upstream of Washington Center Road	*803
Krammer Ditch:	
At mouth	*766
Just upstream of Woodbrook Drive	*774
Sumner Drain:	
At mouth	*764
Just upstream of Stralton Road	*795
Becketts Run:	
At mouth	*767
Just downstream of Leo Road	*771
Swift Ditch:	
At mouth	*769
Just downstream of Leo Road	*779
Schoppman Ditch: Within community	*765
Fairfield Ditch:	
At mouth	*763
Just downstream of Lower Huntington Road	*769
Harber Ditch:	
At mouth	*769
Just downstream of Baer Field Thruway	*775
Junk Ditch:	
At mouth	*760
About 1,900 feet downstream of Smith Road	*756
St. Marys River:	
At mouth	*758
About 1.9 miles upstream of Lower Huntington Road	*768
Flaugh Ditch:	
Just upstream of West Jefferson Boulevard	*777
Just downstream of State Route 14	*793
Lawrence Branch:	
At Covington Road	*783
About 0.48 miles upstream of Wilkie Drive	*788
Trier Ditch:	
About 300 feet upstream of Wayne Trace	*769
About 1,150 feet upstream of Tillman Road	*771
Paul Trier Ditch: Within community	*771
Natural Drain No. 2:	
Just upstream of Washington Center Road	*808
At confluence of Natural Drain No. 7	*815
Robinson Creek:	
About 1,200 feet upstream of Smith Road	*784
About 1,100 feet downstream of confluence of Woods Ditch	*789
Pierson Ditch:	
At mouth	*754
Just downstream of Lake Avenue	*758
Just upstream of Lake Avenue	*768
Just downstream of State Boulevard	*773
Lowther Neuhaus Ditch:	
At mouth	*776
About 550 feet upstream of Westgate	*788
Drain No. 6:	
Just downstream of Butler Road	*797
Just downstream of Coliseum Boulevard West	*816
St. Joseph River:	
At mouth	*758
About 1,600 feet downstream of confluence of Salagy Ditch	*769

Source of flooding and location	#Depth in feet above ground. ^Elevation in feet (NGVD)
Maumee River:	
About 1.7 miles upstream of Landin Road	*751
At confluence of St. Marys River	*757
Unnamed Tributary No. 1:	
At mouth	*764
Just downstream of Crescent Avenue	*768
Maps available for inspection at the City/County Building, 7th Floor, Ft. Wayne, Indiana.	
Grabill (town), Allen County (FEMA docket No. 6975)	
Wilmar Ditch: Within community	*812
Maps available for inspection at the Town Hall, First Street, Grabill, Indiana.	
Huntertown (town), Allen County (FEMA docket No. 6975)	
Willow Creek:	
About 400 feet upstream of confluence of Willow Creek Branch No. 8	*819
Just upstream of Hunter Road	*824
Willow Creek Branch No. 7:	
About 500 feet upstream of Conrail	*834
Just downstream of Lima Road	*836
Willow Creek Branch No. 8	
About 450 feet upstream of mouth	*821
About 900 feet downstream of Shoaff Road	*822
Maps available for inspection at the Engineering Office, 15617 Lima Road, Huntertown, Indiana.	
Monroeville (town), Allen County (FEMA docket No. 6975)	
Flatrock Creek:	
About 1,000 feet upstream of Monroeville Road	*780
Just upstream of confluence of Adam Schlemmer Baker Drain	*781
Adam Schlemmer Baker Drain:	
At mouth	*781
Just downstream of Flatrock Road	*786
Maps available for inspection at the Clerk Treasurer's Office, 202 Summit, Monroeville, Indiana.	
New Haven (city), Allen County (FEMA docket No. 6975)	
Dannenfelser-Cochoit Ditch:	
At mouth	*757
About 1,500 feet downstream of Selma Drive	*781
Trier Ditch:	
At mouth	*750
Just downstream of Moeller Road	*762
Maumee River:	
About 1.4 miles upstream of Bruick Road	*747
About 2.1 miles upstream of Landin Road	*751
Bender Ditch:	
At mouth	*759
Just upstream of Seiler Road	*771
Maps available for inspection at the Clerk Treasurer's Office, 1235 Lincoln Highway, New Haven, Indiana.	
Woodburn (city), Allen County (FEMA docket No. 6975)	
Edgerton-Carson Ditch:	
Just upstream of Tile Mill Road	*743
About 1,300 feet upstream of Tile Mill Road	*746
Hetrick Ditch:	
Just upstream of Woodburn Road	*751
Just upstream of State Route 101	*753
Maps available for inspection at the Public Works Department, 4417 Bull Rapids Road, Woodburn, Indiana.	
KANSAS	
Allen County (unincorporated Areas) (FEMA docket No. 6975)	
Elm Creek:	
At confluence with Neosho River	*952
About 2.0 miles upstream of State Highway 269	*960
Rock Creek:	
At confluence with Elm Creek	*955
About 4,000 feet upstream of U.S. Highway 54	*966
Neosho River:	
About 3,600 feet downstream of Bridge Street	*934
About 2.0 miles upstream of Missouri Pacific Railroad	*958
Coon Creek:	
At confluence with Neosho River	*954
Just upstream of Kentucky Street	*989
Tributary to Coal Creek:	
Just downstream of Wolf Creek	*939
Just downstream of Atchinson Topeka and Santa Fe Railway	*949
Just upstream of Atchinson Topeka and Santa Fe Railway	*957
About 850 feet upstream of Central Street	*961
Cannon Creek:	
Just upstream of North 9th Street	*957
Just upstream of North 10th Street	*959
Maps available for inspection at the County Courthouse, 1 North Washington, Iola, Kansas.	
Arlington (city), Reno County (FEMA docket No. 6941)	
North Fork Ninnescha River:	
About 0.96 mile downstream of Main Street	*1,564
Just downstream of State Highway 61	*1,573
Just upstream of the St. Louis Southwestern Railway	*1,586
Just upstream of Sego Road	*1,586
Maps available for inspection at the City Offices, Arlington, Kansas.	
Bassett (city), Allen County (FEMA docket No. 6978)	
Elm Creek:	
Within community	*952
Maps available for inspection at the City Hall, Iola, Kansas	
Hutchinson (city), Reno County (FEMA docket No. 6978)	
Plum Creek:	
Just upstream of 30th Avenue	*1,534
Just upstream of West 43rd Avenue	*1,544
Kisiwa Creek: Within community	*1,514
Kisiwa Creek Tributary:	
About 0.94 mile downstream of East 4th Avenue	*1,514
Just downstream of East 4th Avenue	*1,518
Maps available for inspection at the City Hall, 125 East Avenue B, Hutchinson, Kansas.	
Iola (city), Allen County (FEMA docket No. 6978)	
Coon Creek:	
Just upstream of U.S. Highway 54	*955
Just upstream of Kentucky Street	*989
Maps available for inspection at the City Hall, 2 West Jackson, Iola, Kansas.	
Liberal (city), Seward County (FEMA docket No. 6978)	
Playa 4:	
About 2,000 feet northwest of intersection of Kansas Avenue and Tucker Road	*2,853
Playa 5:	
About 2,000 feet west and 200 feet south of intersection of Kansas Avenue and Tucker Road	*2,854
Playa 6:	
About 1,000 feet north of intersection of Western Avenue and 15th Street	*2,861
Playa 7:	
About 1,600 feet north and 500 feet west of intersection of Kansas Avenue and 15th Street	*2,848
Playa 8:	
About 1,000 feet south and 500 feet west of intersection of Kansas Avenue and 15th Street	*2,837
Playa 9:	
About 1,200 feet west of intersection of 15th Street and Country Estates Road	*2,836
Playa 11:	
At intersection of Clay Avenue and Ohio Street	*2,842
Playa 12:	
Just west of intersection of Western Avenue and Cain Avenue	*2,852
Playa 13:	
Just south of Pancake Boulevard between Pennsylvania Avenue and New York Avenue	*2,838
Playa 15:	
Just northwest of intersection of Harold Boulevard and Kansas Avenue	*2,846
Playa 17:	
Just northwest of intersection of Clay Street and Walnut Street	*2,844
Maps available for inspection at the City Hall, 325 North Washington, Liberal, Kansas.	
Mulvane (city), Sedgwick and Sumner Counties (FEMA docket No. 6975)	
Arkansas River:	
About 5,300 feet downstream of County Road	*1,207
Just downstream of Atchison, Topeka, and Santa Fe Railway	*1,216
Cowskin Creek Cutoff:	
At mouth	*1,218
Just downstream of low water spillway	*1,221
Cowskin Creek:	
Just upstream of low water spillway	*1,223
About 1,500 feet upstream of Hillside Road	*1,227
Maps available for inspection at the Building Inspector's Office, City Hall, 211 North Second Street, Mulvane, Kansas.	
Nickerson (city), Reno County (FEMA docket No. 6941)	
Bull Creek:	
About 1,600 feet upstream of Riverton Road	*1,592
About 3,400 feet upstream of Nickerson Road	*1,602
Arkansas River:	
Just downstream of Nickerson Road	*1,591
About 700 feet downstream of Centennial Road	*1,602
Maps available for inspection at the City Hall, Nickerson, Kansas.	
Pretty Prairie (city), Reno County (FEMA docket No. 6941)	
Smoots Creek:	
Just upstream of Pretty Prairie Road	*1,562
Just downstream of Dean Road	*1,565
Smoots Creek Tributary:	
Just downstream of Pretty Prairie Road	*1,562
Just downstream of Main Street	*1,566
Maps available for inspection at the City Offices, 105 Plum Street, Pretty Prairie, Kansas.	
Reno County (unincorporated areas) (FEMA docket No. 6978)	
Arkansas River:	
About 500 feet downstream of the Atchison, Topeka, & Santa Fe Railway	*1,535
About 690 feet upstream of State Highway 96	*1,602
Cow Creek:	
About 2.2 miles downstream of Pennington Road	*1,547
Just downstream of West 108th Avenue	*1,580
Cow Creek Tributary A:	
Just downstream of West 43rd Avenue	*1,548
About 1,580 feet upstream West 69th Avenue	*1,564
Cow Creek Tributary B:	
At mouth	*1,553
About 0.95 mile upstream of West 69th Avenue	*1,571
Cow Creek Tributary C:	
At mouth	*1,563
About 0.9 mile upstream of West 82nd Avenue	*1,602
Bull Creek:	
At confluence with Cow Creek	*1,566
About 0.7 mile upstream of Centennial Road	*1,602
Plum Creek:	
Just upstream of Lorraine Street	*1,537
About 1.5 miles upstream of East 56th Avenue	*1,648
Gar Creek:	
About 1,100 feet downstream of Rayl Road	*1,451
About 0.9 mile upstream of Irish Creek Road	*1,467
Sand Creek:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
About 600 feet downstream of Morgan Avenue	*1,512
Just downstream of the Missouri Pacific Railroad	*1,533
Just upstream of State Highway 96	*1,540
Just upstream of Valley Pride Road	*1,550
Salt Creek:	
At mouth	*1,540
About 1.3 miles upstream of West 4th Avenue	*1,582
Salt Creek Tributary A:	
At mouth	*1,572
Just downstream of West 4th Avenue	*1,591
Salt Creek Tributary B:	
At mouth	*1,582
Just downstream of West 4th Avenue	*1,614
Little Arkansas River:	
Just upstream of Rayl Road	*1,451
About 1.3 miles upstream of Medora Road	*1,485
Little Arkansas River Tributary A:	
At mouth	*1,477
About 2,100 feet upstream of East 69th Avenue	*1,536
Little Arkansas River Tributary B:	
At mouth	*1,457
About 2,900 feet upstream of East 43rd Avenue	*1,524
Kisiwa Creek:	
About 0.76 mile downstream of the Atchison, Topeka, & Santa Fe Railway	*1,489
Just downstream of East 4th Avenue	*1,514
Kisiwa Creek Tributary:	
At mouth	*1,507
Just downstream of East 4th Avenue	*1,518
North Fork Ninnescah River:	
About 1,430 feet downstream of Castleton Road	*1,549
About 1.2 miles upstream of Sego Road	*1,587
Smoots Creek:	
Just upstream of Boundary Road	*1,549
About 0.87 mile upstream of Dean Road	*1,582
Smoots Creek Tributary:	
At mouth	*1,551
About 275 feet upstream of Booth Street	*1,566
Silver Creek Tributary:	
About 1,850 feet downstream of Brownlee Road	*1,729
About 450 feet upstream of Sun City Road	*1,753
Maps are available for inspection at the Public Works Department, County Courthouse, 206 West First, Hutchinson, Kansas.	
South Hutchinson (city), Reno County (FEMA docket No. 6941)	
Arkansas River:	
About 500 feet downstream of Atchison, Topeka, and Santa Fe Railway	*1,535
About 900 feet upstream of Atchison, Topeka, and Santa Fe Railway	*1,538
Maps available for inspection at the City Offices, 2 South Main Street, South Hutchinson, Kansas 67505.	
Turon (city), Reno County (FEMA docket No. 6941)	
Silver Creek Tributary:	
About 1,860 feet upstream of Brownlee Road	*1,742
About 2,450 feet upstream of Brownlee Road	*1,745
Maps available for inspection at the City Hall, Turon, Kansas.	
Willowbrook (city), Reno County (FEMA docket No. 6941)	
Cow Creek:	
About 0.9 mile downstream of 50th Avenue	*1,558
About 1,500 feet upstream of 50th Avenue	*1,562
Maps available for inspection at the home of Mrs. Robert Wiley, Willowbrook, Kansas.	
KENTUCKY	
Madison County (unincorporated Areas) (FEMA docket No. 6978)	
Kentucky River:	
County boundary	*572
About 850 feet upstream of confluence of Tate Creek	*582
Tate Creek:	
At mouth	*581
About 1.3 miles upstream of State Route 169	*619
Maps available for inspection at the County Courthouse, Richmond, Kentucky.	
Russell County (unincorporated Areas) (FEMA docket No. 6978)	
Big Lily Creek:	
About 2,700 feet downstream of State Route 619	*750
Just downstream of waterfalls	*760
Just upstream of waterfalls	*772
About 0.9 mile upstream of Clear Springs Road	*899
Little Lily Creek:	
At mouth	*756
About 1.4 miles upstream of Halkay Road	*1,017
Cumberland Lake: Within community	*750
Maps available for inspection at the Judge/Executive's Office, County Courthouse, Jamestown, Kentucky.	
LOUISIANA	
Caddo Parish (unincorporated areas) (FEMA docket No. 6974)	
McCain Creek:	
Approximately 550 feet downstream of downstream corporate limits	*170
At State Route 173	*225
Logan Bayou:	
At the confluence with Cross Lake	*176
At Pine Hill Road	*259
Choctaw Bayou:	
At the confluence with Logan Bayou	*178
At Millwood Lane	*234
Page Bayou:	
At the confluence with Cross Lake	*176
At Jefferson Paige Road	*266
Page Bayou Tributary A:	
At the confluence with Page Bayou	*209
Approximately 1,800 feet upstream of confluence	*220
Buchanan Bayou:	
At the confluence with Boggy Bayou	*159
At State Route 525	*265
Buchanan Bayou Tributary A:	
At the confluence with Buchanan Bayou	*233
At State Route 525	*249
Brush Bayou:	
At the confluence with Boggy Bayou	*159
Approximately 0.6 mile upstream of upstream corporate limits	*163
Boggy Bayou:	
At the confluence with Cypress Bayou	*159
Approximately 4.5 miles upstream of Providence Road	*278
Gilmer Bayou:	
At the confluence with Boggy Bayou	*167
At Buncombe Road	*218
Southwood High Lateral:	
At the confluence with Gilmer Bayou	*182
Approximately 1.3 miles upstream of confluence	*196
Industrial Park Lateral:	
At the confluence with Gilmer Bayou	*173
Approximately 200 feet upstream of State Route 526 (Industrial Loop Expressway)	*215
Lincoln Memorial Park Lateral:	
At the confluence with Industrial Park Lateral	*184
Approximately 0.8 mile upstream of State Route 526 (Flournoy Lucas	*219
Boggy Bayou Tributary A:	
At the confluence with Boggy Bayou	*198
At Bicknell Ranch Road	*271
Boggy Bayou Tributary B:	
At the confluence with Boggy Bayou	*205
Approximately 1.1 miles upstream of Buncombe Road	*283
Bayou Pierre:	
At State Route 175	*153
At Union Pacific Railroad	*162
Sand Beach Bayou:	
At the confluence with Bayou Pierre	*158
Approximately 1.5 miles upstream of Industrial Loop Expressway	*164
Galaxy Lateral:	
At the downstream corporate limits	*176
Approximately 110 feet upstream of upstream corporate limits	*196
Bickham Bayou:	
Approximately 0.6 mile downstream of downstream corporate limits	*176
At Pines Road	*213
Old River:	
At downstream corporate limits	*162
Approximately 0.7 mile upstream of East 70th Street	*167
Wallace Lake: Entire shoreline within community	*159
Caddo Lake: Entire shoreline within community	*184
Cross Lake: Entire shoreline within community	*176
Maps available for inspection at the Caddo Parish Courthouse, 501 Texas Street, Room 402, Shreveport, Louisiana.	
MICHIGAN	
Holland (city), Ottawa and Allegan Counties (FEMA Docket No. 6978)	
Macatawa River:	
At mouth	*585
About 0.9 mile upstream of Paw Paw Drive	*597
Lake Macatawa: Along shoreline	*585
Maps available for inspection at the City Planning and Engineering Department, City Hall, 270 River Avenue, Holland, Michigan.	
Holland (township), Ottawa County (FEMA docket No. 6978)	
Macatawa River:	
About 2,100 feet downstream of Butternut Drive	*585
Just downstream of 96th Avenue	*600
Lake Macatawa: Along shoreline	*585
County Drain No. 40:	
At mouth	*592
Just downstream of U.S. Highway 31	*592
Noordeloos Creek:	
About 1,775 feet downstream of 107th Avenue	*597
About 575 feet upstream of U.S. Highway 21	*597
Tulip Intercounty Drain:	
At mouth	*598
About 2,350 feet upstream of Adams Street	*598
Secondary Channel:	
Just upstream of 104th Street	*598
At divergence with Macatawa River	*598
Maps available for inspection at the Township Hall, 353 N. 120th Avenue, Holland, Michigan.	
MINNESOTA	
Lake of the Woods County (unincorporated areas) (FEMA docket No. 6975)	
Lake of the Woods:	
Along shoreline, within county	*1064
Maps available for inspection at the Office of the Zoning Administrator, County Courthouse, Baudette, Minnesota.	
MISSISSIPPI	
Scooba (town), Kemper County (FEMA docket No. 6969)	
Little Scooba Creek:	
About 0.5 mile downstream of State Highway 16	*186
About 0.7 mile upstream of county road	*199
Maps available for inspection at the Town Clerk's Office, Town Hall, 1037 Kemper Street, Scooba, Mississippi.	
MISSOURI	
New Madrid County (unincorporated areas) (FEMA docket No. 6975)	
Shallow flooding (St. John's Bayou (Main Ditch)):	
At intersection of New Madrid Frontline and Birds Point—New Madrid set back levee	*301
At county boundary	*309
Shallow flooding (Birds Point—New Madrid Set Back Levee Ditch):	
Within community	*301
Shallow flooding (North Cut Ditch):	
At mouth	*303
At county boundary	*308
Shallow flooding (Ditch No. 1):	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
About 1.0 miles downstream of U.S. Highway 62	*280
About 3.1 miles upstream of St. Louis Southwestern Railway	*283
Shallow flooding (Dry Run Ditch):	
At New Madrid Frontline Levee	*297
About 0.7 mile upstream of County Highway P	*301
Shallow flooding (Main Ditch No. 1):	
About 1.7 miles downstream of County Highway 828	*293
At county boundary	*300
Shallow flooding (Ash Slough Ditch):	
About 1.7 miles downstream of County Highway 828	*294
At county boundary	*300
Mississippi River:	
At west county boundary	*293
At south county boundary	*314
Birds Point—New Madrid Floodway:	
At intersection of New Madrid Frontline Levee and Birds Point—New Madrid Set Back Levee	*304
At county boundary	*309
Shallow flooding (Lower Main Ditch No. 10):	
Within community	*301
Shallow flooding (Lower Maple Slough Ditch):	
Within community	*301
Shallow flooding (Upper Maple Slough Ditch:	
Within community	*301
Shallow flooding (Main Ditch No. 10):	
At mouth	*301
At county boundary	*302
Shallow flooding (Ash Slough Ditch (Lateral No. 2)):	
At mouth	*301
At county boundary	*303
Shallow flooding (Portage Bayou (Main Ditch)):	
About 0.8 mile downstream of Interstate 55	*277
Just downstream of Interstate 55	*278
Shallow flooding (Portage Open Bay):	
About 1.6 miles downstream of Interstate 55	*277
About 1.2 miles upstream of Interstate 55	*278
Shallow flooding (Little River):	
Within community	#2
Shallow flooding (Otter Slough Ditch):	
Within community	#2
Shallow flooding (Ash Slough Ditch):	
About 1.7 miles downstream of County Highway 828	#2
At mouth	#2
Shallow flooding (Portage Open Bay:	
Within community	#2
Shallow flooding (Ditch No. 5):	
Within community	#2
Shallow flooding (Portage Bayou (Main Ditch)):	
Just upstream of Interstate 55	#2
About 1.8 miles upstream of County Highway M	#2
Maps available for inspection at the County Courthouse, New Madrid, Missouri.	
NEVADA	
Nye County (unincorporated areas) (FEMA docket No. 6969)	
Amargosa River:	
Approximately 640 feet downstream of U.S. Highway 95, first road crossing downstream of the confluence of Dry Canyon Creek	*3,178
At U.S. Highway 95 first crossing downstream of Dry Canyon Creek confluence	*3,189
Just downstream of Main Street	*3,269
Approximately 2,150 feet downstream of U.S. Highway 95	*3,272
West Pahrump Valley Wash:	
At the intersection of Bell Avenue and Barney Street	#1
Unnamed Western Wash:	
At the intersection of Bell Avenue and Barney Street	#1
At the intersection of Corbin Street and an unnamed road located 2,680 feet south of Charleston Park Avenue	#2
Wheeler Wash:	
At the mouth of Wheeler Wash Canyon approximately 3 miles up-fan from State Highway 160	#5
At the intersection of Homestead Road and State Highway 160	#1
At the intersection of Gamebird Road and Pahrump Valley Boulevard	#1
Maps are available for review at Nye County Department of Planning, 377 North Jackson, Tonopah, Nevada.	
NEW MEXICO	
Luna County (unincorporated areas) (FEMA docket No. 6975)	
Mimbres River:	
Approximately 7.2 miles downstream of State Route 377	*4,149
Approximately 2.7 miles upstream of State Route 377	*4,280
Maps available for inspection at the Luna County Courthouse, Deming, New Mexico.	
NEW YORK	
Hancock (town), Delaware County (FEMA docket No. 6978)	
Delaware River:	
Approximately 400 feet downstream of corporate limits	*841
At the confluence of the East Branch Delaware River and West Branch Delaware River	*904
East Branch Delaware River:	
At confluence with Delaware River	*904
At upstream corporate limits	*1,060
West Branch Delaware River:	
At downstream corporate limits	*914
At upstream corporate limits	*948
Beaver Kill:	
At confluence with East Branch Delaware River	*1,012
At upstream corporate limits	*1,109
Cadosia Creek:	
At confluence with East Branch Delaware River	*918
At upstream corporate limits	*1,214
Fish Creek:	
At confluence with East Branch Delaware River	*976
Approximately 0.7 mile upstream of confluence of Tributary to Fish Creek	*1,089
Tributary to Fish Creek:	
At confluence with Fish Creek	*1,012
Approximately 1,280 feet upstream of County Route 28	*1,114
Humphries Brook:	
At confluence with Delaware River	*867
Approximately 1,600 feet upstream of Sand Pond Dam	*1,280
Trout Brook:	
At confluence with Beaver Kill	*1,037
Approximately 520 feet downstream of Burnwood Road	*1,057
Bear Brook:	
At downstream corporate limits	*947
Approximately 20 feet upstream of Woods Road	*1,019
Maps available for inspection at Town Hall, 115 W. Main Street, Hancock, New York.	
Hancock (village), Delaware County (FEMA docket No. 6978)	
East Branch Delaware River:	
At confluence with West Branch Delaware River	*904
Approximately 0.57 mile upstream of State Route 97	*914
West Branch Delaware River:	
At the confluence with East Branch Delaware River	*904
Approximately 0.68 mile upstream of State Route 191	*914
Sands Creek:	
At the confluence with West Branch Delaware River	*912
At the confluence of Bear Brook	*939
Bear Brook:	
At the confluence with Sands Creek	*939
Approximately 40 feet upstream of corporate limits	*1,020
Maps available for inspection at the Village Hall, 66 East Front Street, Hancock, New York.	
Pittstown (town), Rensselaer County (FEMA docket No. 6966)	
Hoosic River:	
Approximately 100 feet downstream of the downstream corporate limits	*280
Approximately 1,200 feet downstream of the upstream corporate limits	*356
Maps available for inspection at the Town Hall, Route 110, Tomhanncock, New York.	
NORTH CAROLINA	
Avery County (unincorporated areas) (FEMA docket No. 6978)	
Elk River:	
About 300 feet upstream of SR 1341	*3696
About 3,650 feet upstream of SR 1341	*3779
Linville River:	
Just upstream of Land Harbors Dam	*3540
About 4,300 feet upstream of Road E	*3695
West Fork:	
At mouth	*3636
About 700 feet upstream of SR 1351	*3684
Maps available for inspection at the Building Official's Office, County Courthouse, Main Street, Newland, North Carolina.	
Creedmoor (city), Granville County (FEMA docket No. 6975)	
Ledge Creek:	
About 1,700 feet downstream of U.S. Route 15	*275
Just downstream of Lake Rogers Dam	*282
Just upstream of Lake Rogers Dam	*288
About 1.0 mile upstream of Lake Rogers Dam	*290
Maps available for inspection at the City Hall, Creedmoor, North Carolina.	
Granville County (unincorporated areas) (FEMA docket No. 6975)	
Tabbs Creek:	
At county boundary	*286
About 500 feet upstream of Tom Parham Road	*420
Tar River:	
Just upstream of Cannadys Mill Road	*289
About 1,800 feet upstream of Old Route 75	*360
Jackson Creek:	
At mouth	*361
About 2,400 feet upstream of Old Route 75	*431
Ledge Creek:	
About 0.82 mile upstream of Lake Rogers Dam	*289
Just downstream of Interstate 85	*310
Just upstream of Interstate 85	*316
About 1,400 feet upstream of Old Route 75	*412
Knapp of Reeds Creek:	
About 6.0 miles downstream of SR 1120	*263
Just downstream of R.D. Holt Reservoir Dam	*302
Sybie Creek:	
About 2,100 feet downstream of Northside Road	*268
Just downstream of Cash Road	*274
Just upstream of Cash Road	*282
About 1,350 feet upstream of U.S. Route 15	*289
Lake Butner:	
Just upstream of R.D. Holt Reservoir Dam	*360
Just downstream of Roberts Chapel Road	*360
Falls Lake: Along shoreline	*263
Cozart Creek:	
About 2.46 miles downstream of Gate No. 2 Road	*272
About 900 feet upstream of Gate No. 2 Road	*354
Fishing Creek:	
At mouth	*297
Just upstream of confluence of Fishing Creek Tributary 1	*376
Fishing Creek Tributary 1:	
At mouth	*375
About 2,000 feet upstream of mouth	*381
Hachers Run:	
At mouth	*356
About 1,400 feet upstream of U.S. Route 15	*414
Maps available for inspection at the County Planning Office, County Administration Building, 141 Williamsboro Street, Oxford, North Carolina.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oxford (city), Granville County (FEMA docket No. 6975)	
Fishing Creek Tributary 1:	
About 2000 feet upstream of mouth	*381
Just upstream of U.S. Route 15	*436
Fishing Creek Tributary 1A:	
At mouth	*413
Just downstream of U.S. Route 15	*435
Just upstream of U.S. Route 15	*440
Hachers Run:	
About 1100 feet upstream of U.S. Route 15	*413
Just upstream of Lake Devin Road	*491
Coon Creek:	
About 500 feet downstream of Orphanage Road	*364
About 500 feet upstream of confluence of Jordan Creek	*384
Jordan Creek:	
At mouth	*384
Just downstream of Oxford Bypass	*436
Just upstream of Oxford Bypass	*442
Just downstream of SR 1462	*443
Just upstream of SR 1462	*449
Maps available for inspection at the Planning Department, City Hall, Oxford, North Carolina.	
Person County (unincorporated areas) (FEMA docket No. 6975)	
Marlowes Creek:	
At mouth	*368
About 1100 feet upstream of Depot Street	*618
Flat River:	
About 2000 feet downstream of SR 1737	*432
At confluence of North Flat River	*485
North Flat River:	
At mouth	*485
About 600 feet upstream of SR 1142	*605
South Flat River:	
At confluence of North Flat River	*485
About 1600 feet upstream of SR 1109	*623
Hyco Lake: Along shoreline	*414
Mayo Reservoir: Along shoreline	*445
Maps available for inspection at the County Manager's Office, Courthouse Square, Roxboro, North Caroliona.	
Roxboro (city), Person County (FEMA docket No. 6975)	
Marlowes Creek:	
About 1.0 mile downstream of U.S. Route 501	*496
Just downstream of U.S. Route 501	*535
Just upstream of Norfolk Southern Railway	*546
Just downstream of Burch Avenue	*598
Just upstream of Burch Avenue	*606
About 1100 feet upstream of Depot Street	*618
Maps available for inspection at the City Hall, Roxboro, North Carolina.	
Stem (town), Granville County (FEMA docket No. 6975)	
Ledge Creek:	
About 1100 feet upstream of Old Route 75	*409
About 2600 feet upstream of Old Route 75	*422
Maps available for inspection at the County Planning Office, County Administration Building, 141 Williamsboro Street, Oxford, North Carolina.	
OHIO	
Carroll County (unincorporated areas) (FEMA docket No. 6978)	
Big Sandy Creek:	
At Western County Boundary	*969
About 2000 feet upstream of confluence of Still Fork	*1037
Maps available for inspection at the Commissioner's Office, County Courthouse, Public Square, Carrollton, Ohio.	
Lowellville (village), Mahoning County (FEMA docket No. 6978)	
Mahoning River:	
About 3200 feet downstream of First Street	*809
About 1.2 miles upstream of confluence of Gray's Run	*821
Maps available for inspection at the City Hall, Municipal Building, Lowellville, Ohio.	
OREGON	
Gresham (city), Multnomah County (FEMA docket No. 6978)	
Fairview Creek:	
Approximately 100 feet upstream of NE. Glisan Street	*209
Just upstream of Stark Street	*244
Just upstream of Burnside Road	*254
At Birdsdale Avenue	*263
Approximately 2,500 feet upstream of SE. Division Street	*266
Maps available for review at the Department of Public Works, Gresham City Hall, 1333 NW. Eastman Parkway, Gresham, Oregon.	
Lakeview (city), Lake County (FEMA docket No. 6975)	
North Goose Lake Basin:	
Approximately 2,500 feet downstream of State Highway 88	*4,732
Maps available for review at City Hall, City Recorder's Office, 525 North First Street, Lakeview, Oregon.	
PENNSYLVANIA	
Beech Creek (township), Clinton County (FEMA docket No. 6975)	
Beech Creek:	
At downstream corporate limits	*608
Approximately 1.7 miles upstream of State Route 364	*691
Maps available for inspection at the Beech Creek Township Building, Beech Creek, Pennsylvania.	
Burlington (borough), Bradford County (FEMA docket No. 6975)	
Sugar Creek:	
At downstream corporate limits	*878
At upstream corporate limits	*890
Maps available for inspection at the Borough Building, Burlington, Pennsylvania.	
Burlington (township), Bradford County (FEMA docket No. 6975)	
Sugar Creek:	
At Township Route 552 (Luthers Mills Bridge)	*870
At upstream corporate limits	*890
Maps available for inspection at the Township Building, Burlington, Pennsylvania.	
Donegal (township), Westmoreland County (FEMA docket No. 6978)	
Fourmile Run:	
Downstream at State Route 130	*1,390
At Fourmile Run Dam	*1,445
Indian Creek:	
At downstream corporate limits	*1,483
At State Route 31	*1,535
Maps available for inspection at the Township Building, Donegal, Pennsylvania.	
Elkland (borough), Tioga County (FEMA docket No. 6975)	
Cowanesque River:	
Approximately 0.68 mile downstream of State Route 49	*1,125
Approximately 750 feet upstream of upstream corporate limits	*1,148
Camp Brook Creek:	
At downstream corporate limits	*1,125
Approximately 0.44 mile upstream of North Buffalo Street	*1,135
Kizer Creek:	
At confluence with Camp Brook Creek	*1,130
Approximately 1,050 feet upstream of Hill Street	*1,186
Maps available for inspection at the Borough Building, Elkland, Pennsylvania.	
Picture Rocks (borough), Lycoming County (FEMA docket No. 6975)	
Muncy Creek:	
Approximately 1,950 feet downstream of downstream corporate limits	*632
At upstream corporate limits	*681
Laurel Run:	
At confluence with Muncy Creek	*640
At upstream corporate limits	*672
Maps available for inspection at the Borough Hall, Picture Rocks, Pennsylvania.	
Rockland (township), Venango County (FEMA docket No. 6978)	
Allegheny River:	
At downstream of corporate limits	*892
At confluence with East Sandy Creek	*961
Maps available for inspection at the Township Building, Kennerdale, Pennsylvania.	
Sandycreek (township), Venango County (FEMA docket No. 6978)	
Allegheny River:	
At confluence of Sandy Creek	*950
Approximately 528 feet upstream of U.S. Route 322	*976
Maps available for inspection at the Township Building, Franklin, Pennsylvania.	
South Creek (township), Bradford County (FEMA docket No. 6975)	
South Creek:	
At downstream corporate limits	*1,084
At a point approximately .7 mile upstream of an abandoned Railroad Crossing	*1,243
Maps available for inspection at the South Creek Township Building, Gillett, Pennsylvania.	
South Philipsburg (borough), Centre County (FEMA docket No. 6975)	
Moshannon Creek:	
At downstream corporate limits	*1,429
At upstream corporate limits	*1,430
Maps available for inspection at the Borough Office, South Philipsburg, Pennsylvania.	
Wells (township), Bradford County (FEMA docket No. 6975)	
Seeley Creek:	
At downstream corporate limits	*1,059
At upstream corporate limits	*1,214
Hammond Creek:	
At confluence with Seeley Creek	*1,064
At upstream corporate limits	*1,150
Maps available for inspection at the Township Building, Gillett, Pennsylvania.	
West Burlington (township), Bradford County (FEMA docket No. 6975)	
Sugar Creek:	
At downstream corporate limits	*890
At upstream corporate limits	*945
Maps available for inspection at the Township Building, West Burlington, Pennsylvania.	
UTAH	
Morgan County (unincorporated areas) (FEMA docket No. 6978)	
Weber River:	
650 feet upstream of confluence with Cottonwood Creek	*4,838

Source of flooding and location	#Depth in feet above ground. ^Elevation in feet (NGVD)
225 feet upstream of bridge at County Road 591	*4,889
100 feet downstream of corporate city limits—Morgan City	*5,032
1,150 feet downstream of Fairground Bridge	*5,067
At Fairground Bridge	*5,080
13,840 feet upstream of Fairground Bridge	*5,124
East Canyon Creek:	
At confluence with Weber River	*4,999
Just downstream of Young Street Bridge	*5,056
4,980 feet upstream of corporate city limits at limit of detailed study	*5,077
Deep Creek:	
At confluence with Weber River	*4,991
100 feet upstream of County Road 591	*5,046
600 feet upstream of confluence with North Fork at limit of detailed study	*5,140
Cottonwood Creek:	
450 feet upstream of confluence with Weber River	*4,834
Just downstream of County Road 337	*4,872
13,720 feet upstream of County Road 337 at limit of detailed study	*5,110
Maps are available for review at the Morgan County Economic Development Office, 98 North Commercial Street, Morgan, Utah.	
VIRGINIA	
Charles City County (unincorporated areas) (FEMA docket No. 6975)	
Chickahominy River and adjoining estuaries: Entire shoreline within community	*8.5
James River and adjoining estuaries: Entire shoreline within community	*8.5
Maps available for inspection at the Planning Department, Courthouse Complex, Charles City, Virginia.	
King and Queen County (unincorporated areas) (FEMA docket No. 6975)	
Mattaponi River and adjoining estuaries: At State Route 629	*8
York River and adjoining estuaries:	
At confluence of Propotank River	*7
At confluence of Mattaponi River	*8
Propotank River: At confluence with York River	*7
Maps available for inspection at the Zoning Office, King and Queen Courthouse, Virginia.	
WASHINGTON	
Everett (city), Snohomish County (FEMA docket No. 6975)	
Possession Sound:	
On the shoreline approximately 4,000 feet south of the mouth of the Snohomish River	*8
Directly west of the Port Gardener Breakwater	*9
Approximately 120 feet north of the intersection of Merril and Ring Creek and Mukilteo Boulevard	*9
Approximately 5,000 feet downstream of the Burlington Northern Railroad Bridge over the Snohomish River	*9
Snohomish River:	
At the Interstate Highway 5 bridge over the Snohomish River	*10
At U.S. Highway 2 bridge over the Snohomish River	*13
Approximately 4,800 feet south, along the Diversion Canal, from its intersection with the Burlington Northern Railroad	*20
Maps are available for review at City Hall, 3002 Wetmore Avenue, Everett, Washington.	
Stevens County (unincorporated areas) (FEMA docket No. 6975)	
Columbia River:	
At River Mile 722	*1,294
At River Mile 730	*1,303
At River Mile 736	*1,309
At River Mile 741	*1,318
At the U.S.-Canadian International Border	*1,327
Colville River near Colville:	
Approximately 1,400 feet downstream of Gold Creek Road	*1,537
Approximately 490 feet downstream of the confluence of Mill Creek	*1,541
Approximately 520 feet upstream of Faye Road	*1,547
Approximately 250 feet upstream of Burlington Northern Railroad	*1,551
Approximately 1,300 feet upstream of Mantz Rickey Road	*1,554
Colville River Near Chewelah:	
Approximately 200 feet upstream of Steinmetz Road	*1,631
Approximately 750 feet downstream of Schmidelkoffer Road	*1,634
Approximately 900 feet downstream of Alm Lane Road	*1,637
Approximately 300 feet upstream of the confluence of Chewelah Creek	*1,640
Approximately 20 feet downstream of the Burlington Northern Railroad	*1,641
Maps are available for review at City Hall, 170 South Oak, Colville, Washington.	
Wahkiakum County (unincorporated areas) (FEMA docket No. 6978)	
Columbia River:	
At the Wahkiakum County corporate limits at River Mile 20	*10
At the most downstream point of Puget Island	*11
At River Mile 48	*12
At the Wahkiakum County corporate limits at River Mile 52	*13
Elochoman River:	
Approximately 1,000 feet upstream of confluence with Elochoman Slough	*11
Just upstream of State Route 4 bridge	*11
Approximately 1,600 feet upstream of Foster Road bridge	*14
Approximately 2,300 feet downstream of State Route 407 bridge	*25
Approximately 1,700 feet upstream of State Route 407 bridge	*35
Maps are available for review at the Wahkiakum County Courthouse, 64 Main Street, Cathlamet, Washington.	
Whatcom County (unincorporated areas) (FEMA docket No. 6978)	
Strait of Georgia:	
At shoreline about 3,000 feet east of the west end of Point Roberts	*11
Seaward edge of Edwards Drive, 3,000 feet east of the west end of Point Roberts	*8
Birch Bay:	
Just south of a point along Birch Point Road, 600 feet west of its intersection with Shintaifer Road	*9
At shoreline south of the intersection of Nitinat Road and Halda Way	*14
Maps are available for review at County Engineer's Office, 311 Grand Avenue, Bellingham, Washington.	
WISCONSIN	
Cornell (city), Chippewa County (FEMA docket No. 6978)	
Chippewa River:	
About 1.5 miles downstream of Cornell Dam	*974
Just downstream of Cornell Dam	*981
Just upstream of Cornell Dam	*1,005
About 1.3 miles upstream of Bridge Street	*1,006
Maps available for inspection at the City Hall, 222 Main Street, Cornell, Wisconsin.	
Langlade County (unincorporated areas) (FEMA docket No. 6978)	
Spring Brook:	
Just upstream of Monarch Road	*1,461
Just downstream of State Highway 64	*1,500
Just upstream of State Highway 64	*1,508
Just downstream of County Highway V	*1,524
Maps available for inspection at the Zoning Office, County Courthouse, 800 Clermont Street, Antigo, Wisconsin.	
Osseo (city), Trempealeau County (FEMA docket No. 6975)	
Buffalo River:	
About 0.86 mile downstream of U.S. Highway 10	*943
About 1100 feet upstream of Main Street	*956
South Fork Buffalo River:	
At mouth	*949
Just upstream of Harmony Street Dam	*957
About 1.14 miles upstream of Harmony Street Dam	*961
Unnamed Tributary:	
Just upstream of 5th Street	*951
About 1600 feet upstream of 5th Street	*958
Maps available for inspection at the City Hall, 110 West 8th Street, Osseo, Wisconsin.	
Sawyer County (unincorporated areas) (FEMA docket No. 6978)	
Chippewa River:	
About 2.76 miles downstream of Arpin Dam	*1189
Just downstream of Arpin Dam	*1207
Just upstream of Arpin Dam	*1229
Just downstream of Moose Lake Dam	*1361
Maps available for inspection at the Zoning Administration Office, County Courthouse, 406 Main Street, Hayward, Wisconsin.	

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	#Depth in feet above ground. ^Elevation in feet (NGVD)
ILLINOIS	
Columbia (city), Monroe County (FEMA Docket No. 6920)	
Mississippi River: Northwest corner of community	*421
Carr Creek:	
Downstream corporate limits	*425
Approximately 640 feet above upstream corporate limits	*431
Palmer Creek:	
Downstream corporate limits	*409
Upstream side of Missouri-Pacific Railroad	*414
Approximately 0.2 mile above the upstream corporate limits	*429
Tributary to Palmer Creek:	
Downstream corporate limits	*449
Upstream corporate limits	*461
Ponding Area:	
North side of Palmer Creek between Missouri-Pacific and Illinois Central Gulf Railroad	*407.5
South side of Palmer Creek south of D-D Road	*408
Maps available for inspection at the City Hall, 208 South Rapp, Columbia, Illinois.	
NEVADA	
Mesquite (city), Clark County (FEMA Docket No. 6975)	
Pulsipher Wash:	
Approximately 500 feet upstream of confluence with Virgin River	*1,539
Approximately 350 feet upstream of southbound lane Interstate 15	*1,603

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 500 feet south of Second Street south and approximately 200 feet east of Pulsipher Wash	#1
Maps are available for review at City Hall, 11 East Mesquite Boulevard, Mesquite, Nevada.	
PENNSYLVANIA	
Oley (township), Berks County (FEMA Docket No. 6966)	
Manatawny Creek:	
Approximately 0.3 mile downstream of downstream corporate limits	*288
Approximately 290 feet upstream of L.R. 664 (Bertolet Mill Road)	*351
Little Manatawny Creek:	
At confluence with Manatawny Creek	*319
Approximately 750 feet upstream of second upstream crossing of State Route 73	*488
Furnace Creek:	
At confluence with Little Manatawny Creek	*337
Approximately 170 feet upstream of Township Route 606 (Furnace Road)	*556
Monocacy Creek:	
At the downstream corporate limits, Limekiln Road (L.R. 06027)	*274
Approximately 750 feet upstream of Township Route 539 (West School Road)	*347
Oysterville Creek:	
At confluence with Manatawny Creek	*310
Approximately 0.8 mile upstream of Township Route 595	*351
Bieber Creek:	
At the confluence with Manatawny Creek	*336
Approximately 150 feet upstream of upstream corporate limits	*407
Unnamed Tributary to Oysterville Creek:	
At confluence with Oysterville Creek	*318
At the upstream corporate limits	*327
Unnamed Tributary to Little Manatawny Creek:	
At confluence with Little Manatawny Creek	*475
At upstream corporate limits	*484
Maps available for inspection at the Municipal Building, Rose Virginia Avenue, Oley, Pennsylvania.	
TEXAS	
San Marcos (city), Hays and Caldwell Counties (FEMA Docket No. 6946)	
San Marcos River:	
1.4 miles downstream of downstream corporate limits	*574
At confluence of Sink Creek at Spring Lake	*579
Sink Creek:	
At confluence with San Marcos River at Spring Lake	*579
Approximately 830 feet upstream of corporate limits	*587
Purgatory Creek:	
At confluence with San Marcos River	*574
At upstream corporate limits	*607
Willow Springs Creek:	
At confluence with San Marcos River	*574
Approximately 170 feet upstream of corporate limits	*638
Stream CC-1:	
At downstream corporate limits	*606
Approximately 1,500 feet upstream of Interstate Route 35	*640
Blanco River:	
At downstream corporate limits	*584
Approximately 1,340 feet upstream of Interstate Route 35	*612
Bypass Creek:	
At downstream corporate limits	*574
Approximately 0.8 mile upstream of corporate limits	*600
Bypass Creek Tributary 1: For entire length within the community	*579
Bypass Creek Tributary 2:	
At confluence with Bypass Creek	*579
At upstream corporate limits	*580
Purgatory Creek Diversion 1:	
At confluence with Purgatory Creek	*584
At divergence from Purgatory Creek	*605
Maps available for inspection at the City Hall, 630 East Hopkins, San Marcos, Texas.	

Issued: June 8, 1990.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 90-13819 Filed 6-15-90; 8:45 am]

BILLING CODE 6718-03-M

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1501, 1502, 1503, 1506, 1509, 1510, 1514, 1515, 1516, 1517, 1519, 1522, 1530, 1531, 1532, 1533, 1536, and 1545

[FRL-3788-5]

Acquisition Regulation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule makes numerous administrative changes to the Environmental Protection Agency (EPA) Acquisition Regulation (EPAAR). These changes modify existing review and approval levels for various contract actions; establish new review and approval levels not currently contained in the EPAAR; and modify the dollar threshold for internal review of contract actions. These changes will expedite the processing of contract actions while still ensuring proper administrative review.

EFFECTIVE DATE: June 18, 1990.

FOR FURTHER INFORMATION CONTACT: Julie Taitt, Environmental Protection Agency, Procurement and Contracts Management Division (PM-214F), 401 M Street SW., Washington, DC 20460, Telephone: (202) 245-3944.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Regulation (FAR) requires Federal agencies to publish review and approval levels for various contract actions as part of the agency's regulations supplementing the FAR. At EPA, these review and approval levels are contained in the EPA Acquisition Regulation (EPAAR). The EPA Procurement and Contracts Management Division (PCMD) has added two Associate Director positions reporting directly to the Head of the Contracting Activity (HCA). These revisions to the EPAAR define the position of Responsible Associate Director (RAD) and modify review and approval levels in the EPAAR, primarily to delegate authority from the HCA to the RAD. Additionally, these revisions establish new review and approval levels not currently contained in the EPAAR and modify the dollar thresholds for internal review of contract actions. These changes will expedite the processing of contract actions while still ensuring proper administrative review.

B. Executive Order 12291

OMB Bulletin No. 85-7, dated December 14, 1984, establishes the requirements for Office of Management and Budget (OMB) review of agency procurement regulations. This regulation does not fall within any of the categories cited in the bulletin requiring OMB review.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements that require the approval of OMB under 44 U.S.C. 3501, et seq.

D. Regulatory Flexibility Act

The EPA certifies that this rule does not exert a significant economic impact on a substantial number of small entities. The rule merely revises EPA's internal review and approval procedures. The rule has no substantive impact on the EPA Source Selection Procedures in 48 CFR subpart 1515.6.

E. Public Comments

The EPA has not solicited public comments on this final rule since it does not have a significant cost or administrative impact on contractors or offerors.

List of Subjects in 48 CFR Parts 1501, 1502, 1503, 1506, 1509, 1510, 1514, 1515, 1516, 1517, 1519, 1522, 1530, 1531, 1532, 1533, 1536, and 1545

Government procurement.

For the reasons set out in the preamble, chapter 15 of Title 48 Code of Federal Regulations, is amended as follows:

1. The authority citation for 48 CFR parts 1501, 1502, 1503, 1506, 1509, 1510, 1514, 1515, 1516, 1517, 1519, 1522, 1530, 1531, 1532, 1533, 1536, and 1545 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 48 U.S.C. 486(c).