

Source of Flooding and Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
PENNSYLVANIA	
Tinicum (Township), Bucks County (FEMA Docket No. D-7528)	
<i>Delaware River:</i>	
Approximately 0.25 mile upstream of Uhlerstown Hill Road	*127
Approximately 1.17 miles downstream of Upper Black Eddy Bridge	*134
<i>Delaware River Overland Flow:</i>	
At confluence with the Delaware River	*128
At divergence from the Delaware River	*133
Maps available for inspection at the Tinicum Municipal Building, 163 Municipal Road, Pipersville, Pennsylvania.	
VIRGINIA	
Fairfax City (Independent City) (FEMA Docket No. D-7528)	
<i>Accotink Creek:</i>	
At the downstream corporate limits	*289
Approximately 50 feet upstream of Poplar Street	*397
<i>Dale Lestina Tributary:</i>	
At the confluence with North Fork Accotink Creek	*313
Approximately 500 feet upstream of Plantation Parkway	*344
<i>Daniels Run:</i>	
At the confluence with Accotink Creek	*296
Approximately 1,030 feet upstream of Sager Avenue ...	*406
<i>Draper Drive Tributary:</i>	
Approximately 750 feet upstream of confluence with Accotink Creek	*307
Approximately 920 feet upstream of the confluence with Accotink Creek	*311
<i>Little River Hills Tributary:</i>	
Approximately 150 feet upstream of the confluence with Daniels Run	*328
Approximately 1,460 feet upstream of Ashby Road	*379
<i>Mosby Woods Tributary:</i>	
At the confluence with North Fork Accotink Creek	*332
Approximately 1,940 feet upstream of confluence with North Fork Accotink Creek	*342
<i>North Fork Accotink Creek:</i>	
At the confluence with Accotink Creek	*313
Approximately 800 feet upstream of Howerton Avenue	*382
<i>Ranger Road Tributary:</i>	
At the confluence with Accotink Creek	*312
Approximately 260 feet upstream of Ranger Road	*314
<i>Tusico Branch:</i>	
At the confluence with Accotink Creek	*362

Source of Flooding and Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
Approximately 570 feet upstream of Keith Avenue	*373
<i>Tusico Branch (area of shallow flooding):</i>	
Approximately 570 feet upstream of Keith Avenue	#2
Approximately 625 feet upstream of Scott Drive	#2
Maps available for inspection at the Fairfax City Hall, 10455 Armstrong Street, Room 204, Fairfax, Virginia.	

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

Dated: April 23, 2003.

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

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NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 821

Rules of Practice Governing Board Review of Federal Aviation Administration Emergency Determinations in Air Safety Enforcement Proceedings

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: On July 11, 2000, the Board published, at 65 FR 42637, interim rules to implement Section 716 of the Aviation Investment and Reform Act for the 21st Century. That provision of law conferred on the Board the authority to review determinations by the Administrator of the Federal Aviation Administration (FAA) that an emergency exists which warrants the immediate effectiveness of an order amending, modifying, suspending or revoking certain FAA-issued certificates. The only significant changes effected by the final rule involve the standard to be applied by the Board's administrative law judges in reviewing emergency determinations, and the adoption of a procedure to enhance the prospective value of the law judges' decisions by reflecting the Board's opinion on them.

DATES: These final rules are effective on June 30, 2003.

FOR FURTHER INFORMATION CONTACT:

David E. Bass, Deputy General Counsel, (202) 314-6080.

SUPPLEMENTARY INFORMATION: Section 716 of the Aviation Investment and Reform Act for the 21st Century, Public Law 106-181, enacted April 15, 2000, was codified at 49 U.S.C. 44709 (e)(3).

Final Rules

Board Review of Law Judges'

Decisions (see § 821.54(f)). The interim rules currently in effect delegated to the Board's administrative law judges the authority to review emergency determinations of the Administrator, without right of appeal to the Board. We have decided to extend that delegation indefinitely, as our experience thus far does not suggest a need for further review, or review by the Board itself instead of a law judge, and a multi-layered process would be difficult, if possible at all, to administer in the statutory 5-day period within which the Board must act on a petition. We, therefore, will not, as recommended by some commenters, institute a procedure for review, at the Board level, of the law judges' decisions on petitions. Nevertheless, we do find merit in the concern that a lack of Board review could adversely affect uniformity among the decisions of our law judges on common issues and deprive future litigants (and the law judges) the guidance of precedent. Accordingly, we will, henceforth, undertake to register, in those cases that are appealed to the Board for a decision on the merits of an emergency or other immediately effective order of the Administrator, our concurrence or disagreement with the law judge's ruling on a petition, whenever, in our judgment and if time permits—it would be beneficial to address the issues raised. When we differ with a ruling, or agree for different reasons, we will provide our views.

Standard of Review (see § 821.54(e)). Several commenters contend that the "abuse of discretion" standard established in the interim rules is inappropriate and should be discarded in favor of the "preponderance of the evidence" standard employed in our adjudications on the merits of the Administrator's charges. Related to this view is the belief that the Administrator—and not the affected certificate holder—should bear the burden of proof in the review. Although we originally believed that the approach taken in an analogous judicial setting represented a model we should emulate, the Board has come to the view that the "abuse of discretion" standard, commonly applied by the courts in