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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1114]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before September 15, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at

the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-1114, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) kevin.long@dhs.gov.

FOR FURTHER INFORMATION CONTACT:

Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) kevin.long@dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than

the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

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

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Elmore County, Alabama, and Incorporated Areas				
Tallapoosa River	Approximately 3.0 miles downstream of the Thurlow Dam.	None	+210	City of Tallassee.
	Approximately 1.7 mile downstream of the Thurlow Dam.	None	+214	

* National Geodetic Vertical Datum.
 + North American Vertical Datum.
 # Depth in feet above ground.
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) + Elevation in feet (NAVD) #Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

**BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Tallassee

Maps are available for inspection at 3 Freeman Avenue, Tallassee, AL 36078.

Darke County, Ohio, and Incorporated Areas

Indian Creek	Approximately 300 feet upstream of the confluence with Swamp Creek.	None	+968	Village of Versailles.
	Approximately 1,000 feet upstream of the confluence with Swamp Creek.	None	+968	
Painter Creek	Approximately 50 feet upstream of State Highway 49	None	+1,030	Unincorporated Areas of Darke County.
	Just downstream of Hollansburg-Sampson Road	None	+1,049	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

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ADDRESSES

Unincorporated Areas of Darke County

Maps are available for inspection at 520 South Broadway Street, Greenville, OH 45331.

Village of Versailles

Maps are available for inspection at 177 North Center Street, Versailles, OH 45380.

Cass County, Texas, and Incorporated Areas

Black Bayou	Just upstream of FM 251	None	+227	Unincorporated Areas of Cass County.
	Approximately 1 mile upstream of U.S. Route 59	None	+237	
Hurricane Creek	Approximately 250 feet upstream of East Pinecrest Drive.	None	+237	Unincorporated Areas of Cass County.
	Just downstream of North Holly Street	None	+269	
South Tributary to Black Bayou.	At the confluence with Black Bayou	None	+228	Unincorporated Areas of Cass County.
	Approximately 800 feet downstream of Salmon Road	None	+239	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

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ADDRESSES

Unincorporated Areas of Cass County

Maps are available for inspection at the Cass County Courthouse, 604 Highway 8 North, Linden, TX 75563.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Hood County, Texas, and Incorporated Areas				
Brazos River	Approximately 3.4 miles upstream of the Bend Dam ..	+696	+695	City of Granbury, Unincorporated Areas of Hood County.
Lambert Branch	At the northern county boundary	+711	+710	Unincorporated Areas of Hood County.
	Just upstream of U.S. Route 377	None	+790	
Stream LB-2	Approximately 1,830 feet upstream of Holmes Drive ..	None	+819	Unincorporated Areas of Hood County.
	Just upstream of U.S. Route 377	None	+774	
	Approximately 550 feet upstream of Ross Lane	None	+833	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

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ADDRESSES

City of Granbury

Maps are available for inspection at City Hall, 116 West Bridge Street, Granbury, TX 76048.

Unincorporated Areas of Hood County

Maps are available for inspection at 100 East Pearl Street, Granbury, TX 76048

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: June 4, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010-14558 Filed 6-16-10; 8:45 am]

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