

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

Dated: March 21, 2011.

**Sandra K. Knight,**

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

[FR Doc. 2011-8113 Filed 4-5-11; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**Docket ID FEMA-2011-0002**

**[Internal Agency Docket No. FEMA-B-1179]**

**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 proposed rule 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 July 5, 2011.

**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-1179, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) [luis.rodriquez1@dhs.gov](mailto:luis.rodriquez1@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) [luis.rodriquez1@dhs.gov](mailto:luis.rodriquez1@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)<br>+Elevation in feet (NAVD)<br>#Depth in feet above ground<br>^Elevation in meters (MSL) |          | Communities affected                    |
|---|---|---|----------|---|
|   |   | Effective   | Modified |   |
| <b>Larimer County, Colorado, and Incorporated Areas</b> |   |   |          |   |
| Boxelder Creek Overflow Downstream.                     | Approximately 914 feet downstream of Highway 14 ... | +4935   | +4933    | Unincorporated Areas of Larimer County. |

| Flooding source(s)  | Location of referenced elevation**  | *Elevation in feet (NGVD)<br>+Elevation in feet (NAVD)<br>#Depth in feet above ground<br>^Elevation in meters (MSL) |          | Communities affected  |
|---|---|---|----------|---|
|   |   | Effective   | Modified |   |
| Boxelder Creek Overflow West.   | Approximately 0.6 mile upstream of Highway 14 .....   | +4949   | +4947    | Unincorporated Areas of Larimer County.                       |
|   | Approximately 235 feet downstream of I-25 Frontage Road.  | +4927   | +4928    |   |
|   | Approximately 185 feet downstream of Mulberry Street.   | None  | +4933    |   |
| Business Park Denrose .....   | Approximately 135 feet upstream of Denrose Court ...  | +4933   | +4932    | Unincorporated Areas of Larimer County.                       |
| Business Park Middle .....  | Approximately 360 feet upstream of Denrose Court ...  | +4933   | +4934    | Unincorporated Areas of Larimer County.                       |
|   | Approximately 550 feet downstream of Denrose Court  | +4929   | +4930    |   |
| Business Park South .....   | Approximately 75 feet downstream of Denrose Court   | +4933   | +4931    | Unincorporated Areas of Larimer County.                       |
|   | Approximately 140 feet downstream of Denrose Court  | +4933   | +4931    |   |
| Business Park West .....  | At the downstream side of Denrose Court .....   | +4933   | +4934    | Unincorporated Areas of Larimer County.                       |
|   | Approximately 260 feet downstream of Denrose Court  | +4929   | +4930    |   |
| Cache La Poudre L Path .....  | At the upstream side of Denrose Court .....   | +4933   | +4932    | City of Fort Collins, Unincorporated Areas of Larimer County. |
|   | Approximately 350 feet downstream of Prospect Road  | +4890   | +4886    |   |
| Cache La Poudre Lowflow Channel.  | Approximately 440 feet downstream of Timberline Road.   | +4912   | +4910    | City of Fort Collins.   |
|   | Approximately 450 feet downstream of County Road 9.   | +4881   | +4882    |   |
|   | Approximately 300 feet downstream of County Road 9.   | +4882   | +4883    |   |
| Cache La Poudre River .....   | Approximately 800 feet downstream of County Road 9.   | +4882   | +4883    | City of Fort Collins.   |
| Shields Street Divided Flow Path—Windtrail Swale (backwater effects from Spring Creek). | Approximately 680 feet downstream of Prospect Road  | +4897   | +4898    | City of Fort Collins.   |
|   | From the Spring Creek confluence to approximately 600 feet upstream of the Spring Creek confluence. | +5001   | +5000    |   |
| Shields Street Overflow .....   | Approximately 190 feet downstream of Hill Pond Road.  | +5019   | +5020    | City of Fort Collins.   |
| Spring Canyon Park Diversion.   | Approximately 360 feet upstream of Hill Pond Road ...   | +5025   | +5024    | City of Fort Collins.   |
|   | At the upstream side of Spring Canyon Park Weir .....   | +5114   | +5122    |   |
| Spring Creek .....  | Approximately 1,450 feet upstream of Spring Canyon Park Weir.                                       | +5124   | +5125    | City of Fort Collins, Unincorporated Areas of Larimer County. |
|   | Approximately 970 feet downstream of Prospect Road  | +4906   | +4904    |   |
|   | Approximately 0.7 mile upstream of Spring Canyon Park Pedestrian Trail.                             | +5168   | +5167    |   |

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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

\*\* 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 Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Fort Collins

Maps are available for inspection at the Stormwater Utilities Department, 700 Wood Street, Fort Collins, CO 80521.

##### Unincorporated Areas of Larimer County

Maps are available for inspection at 200 West Oak Street, Fort Collins, CO 80521.

#### Washtenaw County, Michigan (All Jurisdictions)

|                   |  |      |      |                       |
|-------------------|--|------|------|-----------------------|
| Huron River ..... | Approximately 620 feet downstream of the railroad .... | None | +718 | Township of Superior. |
|-------------------|--|------|------|-----------------------|

| Flooding source(s) | Location of referenced elevation**                   | *Elevation in feet (NGVD)<br>+Elevation in feet (NAVD)<br>#Depth in feet above ground<br>^ Elevation in meters (MSL) |          | Communities affected |
|--------------------|--|--|----------|----------------------|
|                    |  | Effective  | Modified |                      |
|                    | Approximately 630 feet upstream of Superior Road ... | None   | +719     |                      |

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**ADDRESSES**

**Township of Superior**

Maps are available for inspection at 3040 North Prospect Road, Ypsilanti, MI 49198.

**Bennington County, Vermont (All Jurisdictions)**

|                               |  |               |               |   |
|-------------------------------|--|---------------|---------------|---|
| Batten Kill .....             | Approximately 0.65 mile downstream of River Road ...   | +522          | +524          | Town of Arlington, Town of Manchester, Town of Sunderland, Village of Manchester. |
| Furnace Brook .....           | Approximately 100 feet upstream of Union Street .....<br>Approximately 100 feet downstream of Percy Road ...           | +682<br>+577  | +683<br>+578  | Town of Bennington.   |
| Hoosic River .....            | Approximately 135 feet upstream of Park Street .....<br>At the Rensselaer County, New York, boundary .....             | +650<br>+500  | +648<br>+498  | Town of Pownal.   |
| South Stream .....            | At the Berkshire County, Massachusetts, boundary ....<br>At the downstream side of Hunt Street .....                   | +566<br>+621  | +567<br>+620  | Town of Bennington.   |
| Walloomsac River .....        | Approximately 0.5 mile upstream of the Jewett Brook confluence.<br>Approximately 1,000 feet downstream of Murphy Road. | None<br>+551  | +753<br>+550  | Town of Bennington.   |
| Walloomsac River .....        | Approximately 2,050 feet downstream of Town Highway 32.<br>Approximately 90 feet upstream of River Road .....          | +580<br>None  | +578<br>+542  | Village of North Bennington.  |
| Warm Brook .....              | Approximately 0.53 mile downstream of Murphy Road<br>Approximately 1.28 miles upstream of Ubu Lane .....               | None<br>+773  | +546<br>+772  | Town of Arlington, Town of Shaftsbury.  |
| West Branch Batten Kill ..... | Approximately 2.54 miles upstream of Ubu Lane .....<br>Approximately 50 feet upstream of Depot Street .....            | None<br>+698  | +781<br>+699  | Town of Manchester.   |
| Winhall River .....           | Approximately 1.09 miles upstream of Rec Park Road<br>At the Windham County boundary .....                             | None<br>+1250 | +775<br>+1249 | Town of Winhall.  |
|                               | Approximately 1,800 feet upstream of Arthur Court ...  | None          | +1511         |   |

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Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**Town of Arlington**

Maps are available for inspection at 3828 Vermont Route 7A, Arlington, VT 05250.

**Town of Bennington**

Maps are available for inspection at 205 South Street, Bennington, VT 05201.

**Town of Manchester**

Maps are available for inspection at 6039 Main Street, Manchester, VT 05255.

**Town of Pownal**

Maps are available for inspection at 467 Center Street, Pownal, VT 05261.

**Town of Shaftsbury**

Maps are available for inspection at 61 Buck Hill Road, Shaftsbury, VT 05262.

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

**Town of Sunderland**

Maps are available for inspection at 181 South Road, East Arlington, VT 05252.

**Town of Winhall**

Maps are available for inspection at 3 River Road, Bondville, VT 05340.

**Village of Manchester**

Maps are available for inspection at 45 Union Street, Manchester, VT 05254.

**Village of North Bennington**

Maps are available for inspection at the Bennington Train Depot, Main Street, North Bennington, VT 05257.

**Lewis County, Washington, and Incorporated Areas**

|   |  |      |      |  |
|---|--|------|------|--|
| Chehalis River .....                                      | Approximately 0.84 mile upstream of Prather Road ...               | +150 | +151 | City of Centralia, City of Chehalis, Unincorporated Areas of Lewis County. |
| China Creek (backwater effects from Chehalis River).      | Approximately 0.7 mile upstream of Elk Creek Road ..               | None | +324 | City of Centralia.   |
|   | Approximately 220 feet downstream of I-5 .....                     | +176 | +177 |  |
| China Creek (backwater effects from Skookumchuck River).  | Approximately 80 feet downstream of Cedar Street ....              | +176 | +177 | City of Centralia.   |
|   | Approximately 74 feet upstream of North Gold Street                | +188 | +190 |  |
| Coal Creek (backwater effects from Salzer Creek).         | Approximately 1,335 feet upstream of North Gold Street.            | +189 | +190 | City of Chehalis.  |
|   | At the Salzer Creek confluence .....                               | +179 | +181 |  |
| Coffee Creek (backwater effects from Skookumchuck River). | At the downstream side of National Avenue .....                    | +179 | +181 | City of Centralia, Unincorporated Areas of Lewis County.                   |
|   | At the Skookumchuck River confluence .....                         | +186 | +187 |  |
| Eagle Creek (backwater effects from Lincoln Creek).       | At the upstream side of Reynolds Avenue .....                      | +187 | +191 | Unincorporated Areas of Lewis County.                                      |
|   | At the Lincoln Creek confluence .....                              | None | +155 |  |
| Elk Creek (backwater effects from Chehalis River).        | Approximately 2.3 miles upstream of Lincoln Creek Road.            | None | +155 | Unincorporated Areas of Lewis County.                                      |
|   | At the Chehalis River confluence .....                             | +305 | +317 |  |
| Hanaford Creek .....                                      | Approximately 0.43 mile upstream of Elk Creek Road                 | +316 | +317 | Unincorporated Areas of Lewis County.                                      |
|   | At the Skookumchuck River confluence .....                         | +201 | +202 |  |
| Lincoln Creek .....                                       | Approximately 0.46 mile upstream of the Packwood Creek confluence. | None | +217 | Unincorporated Areas of Lewis County.                                      |
|   | Approximately 722 feet upstream of the Chehalis River confluence.  | +154 | +155 |  |
| Salzer Creek .....  | At the downstream side of Teague Road .....                        | None | +159 | City of Centralia, City of Chehalis, Unincorporated Areas of Lewis County. |
|   | At the Chehalis River confluence .....                             | +179 | +181 |  |
| Skookumchuck River .....                                  | Approximately 0.32 mile upstream of Proffitt Road .....            | +190 | +191 | City of Centralia, Unincorporated Areas of Lewis County.                   |
|   | At the upstream side of Reynolds Street .....                      | +187 | +191 |  |
|   | Approximately 0.98 mile upstream of Downing Road ..                | +207 | +212 |  |

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Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

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

## ADDRESSES

**City of Centralia**

Maps are available for inspection at 118 West Maple Street, Centralia, WA 98531.

**City of Chehalis**

Maps are available for inspection at 1321 South Market Boulevard, Chehalis, WA 98532.

**Unincorporated Areas of Lewis County**

Maps are available for inspection at 351 Northwest North Street, Chehalis, WA 98532.

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

Dated: March 7, 2011.

**Sandra K. Knight,**

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

[FR Doc. 2011-8116 Filed 4-5-11; 8:45 am]

**BILLING CODE 9110-12-P**

**FEDERAL MARITIME COMMISSION****46 CFR Part 502**

[Docket No. 11-05]

RIN 3072-AC43

**Rules of Practice and Procedure**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Federal Maritime Commission (FMC or Commission) is seeking comments on possible amendments to its Rules of Practice and Procedure to update and clarify its rules, and to reduce the burden on parties to proceedings before the Commission.

**DATES:** Submit comments on or before May 6, 2011.

**ADDRESSES:** Address all comments concerning this advance notice of proposed rulemaking to Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001. Submit electronic comments to [secretary@fmc.gov](mailto:secretary@fmc.gov).

**FOR FURTHER INFORMATION CONTACT:** Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, Tel.: (202) 523-5725. E-mail: [secretary@fmc.gov](mailto:secretary@fmc.gov). Rebecca A. Fenneman, General Counsel, Federal

Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, Tel.: (202) 523-5740. E-mail: [generalcounsel@fmc.gov](mailto:generalcounsel@fmc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission proposes to amend part 502 of title 46 of the Code of Federal Regulations to update and improve its Rules of Practice and Procedure, 46 CFR part 502. The rules in 46 CFR 502.1-502.991 are designed to secure just, speedy, and inexpensive resolution of proceedings before the Commission. On February 24, 2011, certain changes to subparts A, H, I, S, and T of part 502 were published in the **Federal Register**, 76 FR 10258 (February 24, 2011) and are now in effect. The Commission intends to update and revise the rest of its Rules of Practice and Procedure. By this advance notice, it seeks public comment addressing existing rules that should be updated to reflect current practices and technologies, or could be improved to bring about more efficient and user-friendly procedures. Following receipt and consideration of comments, the Commission intends to issue specific proposed rules in a Notice of Proposed Rulemaking and solicit additional public comment on its proposal.

**A. Modernization and Efficiency Enhancement**

The Commission proposes to amend and update any rules in part 502 that may be appropriate in order to improve their effectiveness and enhance administrative efficiency, both in use of material and human resources. In line with this goal, the recent revision to subpart A requests all filings to be submitted in electronic PDF format, as well as paper. This first step towards accepting documents in electronic form will give the Commission an opportunity to develop new internal procedures that reduce paper and staff time. The Commission is interested in suggestions and information from the

public regarding electronic filing and docket systems they have used and found most efficient and user-friendly. The Commission intends to make the best use of electronic resources currently at its disposal and recognizes the importance of electronic communications.

The Commission contemplates editorial revisions to clarify language as well as substantive changes to make the rules more effective and efficient for the industry and the Commission. All procedural rules are being examined for possible revision. At the outset, some of the initial candidates for change are: qualification of non-attorney practitioners, 46 CFR 502.27; content of filed complaints and answers, 46 CFR 502.62-502.64; intervention by the Bureau of Enforcement in complaint proceedings, 46 CFR 502.42; rules governing computation of time, time of filing, and enlargements of time, 46 CFR subpart G; hearing procedures, 46 CFR subpart J; requirements for filing briefs, including the time periods for filing exceptions, page limits, and contents, 46 CFR subpart M; and the functions and authorities of the presiding officer in proceedings. Consideration will also be given to the possible addition of rules for the use of summary judgment in proceedings; voluntary and involuntary dismissal of complaints in line with the Federal Rules of Civil Procedure (FRCP); and the use of cross-claims and third-party complaints in Commission proceedings.

Additionally, the Commission seeks comment on whether it should amend its rules on filing and service of documents. Several federal agencies now require physical receipt of documents to meet filing and/or service deadlines. Currently the Commission's rule provides that "the date of filing shall be either the date on which the pleading, document, or paper is physically delivered to the Commission