

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2011-0002; Internal Agency Docket No. FEMA-B-1213]

#### 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 November 23, 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-1213, 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) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
<b>Coos County, New Hampshire (All Jurisdictions)</b>				
Androscoggin River .....	Approximately 3.5 miles downstream of Meadow Road.	None	+691	City of Berlin, Town of Dummer, Town of Errol, Town of Gorham, Town of Milan, Town of Shelburne, Unincorporated Areas of Coos County.
Clear Stream .....	At the downstream side of Umbagog Lake Dam .....	None	+1231	Town of Errol.
	At the Androscoggin River confluence .....	None	+1222	
	Approximately 1.1 miles upstream of White Mountain Highway.	None	+1227	
Clement Brook .....	At the Androscoggin River confluence .....	None	+700	Town of Shelburne.
Connecticut River .....	Approximately 0.7 mile upstream of U.S. Route 2 .....	None	+752	Town of Stratford.
	Approximately 0.8 mile downstream of Janice Peaslee Bridge (formerly Maidstone-Stratford Hollow Bridge).	+861	+865	
Connecticut River .....	Approximately 1,180 feet downstream of Janice Peaslee Bridge (formerly Maidstone-Stratford Hollow Bridge).	+864	+865	Town of Clarksville, Town of Colebrook, Town of Columbia, Town of Stewartstown.
	Approximately 2.1 miles upstream of State Route 105	None	+932	
Dead River .....	Approximately 0.6 mile downstream of U.S. Route 3 ..	None	+1106	City of Berlin.
	At the Androscoggin River confluence .....	+947	+950	
Greenough Brook .....	Approximately 0.4 mile upstream of Hillside Avenue ..	+1048	+1049	Town of Errol.
	At the Androscoggin River confluence .....	None	+1226	
Moose Brook .....	At the downstream side of the Akers Pond Dam .....	None	+1230	Town of Gorham.
	At the Androscoggin River confluence .....	+794	+793	
Moose Brook Split .....	Approximately 840 feet upstream of Jimtown Road ....	None	+1128	Town of Gorham.
	At the Moose Brook confluence .....	None	+924	
Moose River .....	At the Moose Brook divergence .....	None	+937	Town of Gorham.
	At the Androscoggin River confluence .....	+786	+787	
Peabody River .....	Approximately 0.4 mile upstream of Main Street .....	+831	+830	Town of Gorham, Town of Shelburne.
	At the Androscoggin River confluence .....	None	+755	
Tinker Brook .....	Approximately 1.8 miles upstream of Glen Road .....	+1054	+1060	Town of Gorham.
	At the Androscoggin River confluence .....	+846	+842	
	Approximately 0.9 mile upstream of Main Street .....	None	+1206	

\* 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 Berlin**

Maps are available for inspection at City Hall, 168 Main Street, Berlin, NH 03570.

##### **Town of Clarksville**

Maps are available for inspection at the Town Office, 408 New Hampshire Route 145, Clarksville, NH 03592.

##### **Town of Colebrook**

Maps are available for inspection at the Town Hall, 17 Bridge Street, Colebrook, NH 03576.

##### **Town of Columbia**

Maps are available for inspection at the Town Hall, 1679 U.S. Route 3, Columbia, NH 03576.

##### **Town of Dummer**

Maps are available for inspection at the Town Office, 75 Hill Road, Dummer, NH 03588.

##### **Town of Errol**

Maps are available for inspection at the Selectmen's Office, 33 Main Street, Errol, NH 03579.

##### **Town of Gorham**

Maps are available for inspection at the Town Hall, 20 Park Street, Gorham, NH 03581.

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	

**Town of Milan**

Maps are available for inspection at the Municipal Building, 20 Bridge Street, Milan, NH 03588.

**Town of Shelburne**

Maps are available for inspection at the Town Hall, 74 Village Road, Shelburne, NH 03581.

**Town of Stewartstown**

Maps are available for inspection at the Stewartstown Town Clerk's Office, 888 Washington Street, West Stewartstown, NH 03597.

**Town of Stratford**

Maps are available for inspection at the Town Hall, 10 Town Common Road, Stratford, NH 03590.

**Unincorporated Areas of Coos County**

Maps are available for inspection at the Coos County Commissioner's Office, 136 County Farm Road, West Stewartstown, NH 03597.

**Edgecombe County, North Carolina, and Incorporated Areas**

Cowlick Creek .....	At the Tar River confluence .....	+79	+78	City of Rocky Mount.
	At the Parkers Canal confluence .....	+80	+79	
Tar River .....	Approximately 0.5 mile downstream of the Cowlick Creek confluence.	+79	+78	City of Rocky Mount, Unincorporated Areas of Edgecombe County.
	Approximately 1,100 feet downstream of Atlantic Avenue.	+82	+81	

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+ North American Vertical Datum.

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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**

**City of Rocky Mount**

Maps are available for inspection at the Planning Department, 331 South Franklin Street, Rocky Mount, NC 27802.

**Unincorporated Areas of Edgecombe County**

Maps are available for inspection at the Edgecombe County Administration Building, 201 Saint Andrews Street, Tarboro, NC 27886.

**Smith County, Texas, and Incorporated Areas**

Black Fork Creek .....	Approximately 0.43 mile upstream of the Prairie Creek West confluence.	None	+380	City of Tyler, Unincorporated Areas of Smith County.
	Approximately 0.71 mile upstream of East 5th Street	+530	+531	
Tributary BF-1 .....	At the Black Fork Creek confluence .....	+434	+436	City of Tyler, Unincorporated Areas of Smith County.
	Approximately 1.2 miles upstream of Loop 323 .....	None	+476	
Tributary BF-M-1 .....	At the Black Fork Creek confluence .....	+495	+496	City of Tyler.
	Approximately 1,475 feet upstream of Devine Street ..	None	+523	
Tributary D .....	At the Black Fork Creek confluence .....	+468	+469	City of Tyler.
	Approximately 1,150 feet upstream of Donnybrook Avenue.	None	+541	
Tributary D-1 .....	At the Black Fork Creek Tributary D confluence .....	+477	+473	City of Tyler.
	Approximately 225 feet upstream of North Broadway Avenue.	None	+511	
Tributary D-2 .....	At the Black Fork Creek Tributary D confluence .....	+488	+487	City of Tyler.
	Approximately 275 feet upstream of Center Street .....	None	+508	
Tributary D-3 .....	At the Black Fork Creek Tributary D confluence .....	+492	+488	City of Tyler.
	Approximately 850 feet upstream of East Houston Street.	None	+512	
Tributary D-4 .....	At the Black Fork Creek Tributary D confluence .....	None	+527	City of Tyler.
	Approximately 125 feet upstream of 5th Street .....	None	+576	
Tributary D-5 .....	At the Black Fork Creek Tributary D confluence .....	None	+541	City of Tyler.
	Approximately 300 feet upstream of West 2nd Street	None	+571	
Butler Creek .....	Approximately 340 feet upstream of FM 2661 .....	None	+361	City of Tyler, Unincorporated Areas of Smith County.

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	
Gilley Creek .....	Approximately 640 feet upstream of State Route 155	None	+457	City of Tyler, Unincorporated Areas of Smith County.
	Approximately 310 feet downstream of FM 848 .....	None	+379	
Tributary G-1 .....	Approximately 150 feet upstream of University Boulevard.	None	+474	City of Tyler, Unincorporated Areas of Smith County.
	At the Gilley Creek confluence .....	None	+426	
Harris Creek .....	Approximately 1.14 miles upstream of County Road 2120.	None	+478	Unincorporated Areas of Smith County.
	Approximately 300 feet upstream of the Ray Creek confluence.	None	+329	
Henshaw Creek .....	Approximately 3.37 miles upstream of State Route 31	None	+468	Unincorporated Areas of Smith County.
	At the West Mud Creek confluence .....	+381	+383	
Indian Creek .....	Approximately 0.71 mile upstream of County Road 165.	+475	+477	City of Tyler, Unincorporated Areas of Smith County.
	Approximately 490 feet upstream of the Lake Palestine confluence.	None	+349	
Ray Creek .....	Approximately 0.89 mile upstream of Loop 323 .....	None	+496	Unincorporated Areas of Smith County.
	Approximately 0.37 mile upstream of the Harris Creek confluence.	None	+332	
Shackleford Creek .....	Approximately 525 feet upstream of Old Gladwater Highway.	None	+436	City of Tyler, Unincorporated Areas of Smith County.
	At the West Mud Creek confluence .....	+380	+383	
West Mud Creek .....	Approximately 0.75 mile upstream of Paluxy Drive (FM 756).	None	+501	City of Tyler, Unincorporated Areas of Smith County.
	Approximately 200 feet upstream of FM 344 East .....	+360	+361	
Tributary 11 .....	Approximately 210 feet upstream of Loop 323 .....	None	+506	City of Tyler.
	At the West Mud Creek confluence .....	+417	+419	
Tributary B .....	Approximately 1,950 feet upstream of Woodlands Drive.	None	+479	City of Tyler.
	Approximately 125 feet upstream of the West Mud Creek confluence.	+468	+467	
Tributary M-1 .....	Approximately 470 feet upstream of Paluxy Drive .....	None	+505	City of Tyler.
	At the West Mud Creek Tributary M-A confluence .....	+442	+444	
Tributary M-2 .....	Approximately 0.54 mile upstream of North Star Boulevard.	+487	+485	City of Tyler.
	Approximately 425 feet upstream of the West Mud Creek confluence.	+464	+463	
Tributary M-A .....	Approximately 1,510 feet upstream of Barbee Drive ...	+481	+469	City of Tyler.
	Approximately 200 feet upstream of the West Mud Creek confluence.	+445	+444	
Tributary M-A.1 .....	Approximately 80 feet upstream of Woodland Hills Drive.	None	+509	City of Tyler.
	At the West Mud Creek Tributary M-A confluence .....	+472	+471	
Tributary M-A.2 .....	Approximately 160 feet upstream of Charleston Drive	None	+493	City of Tyler.
	At the West Mud Creek Tributary M-A confluence .....	None	+487	
Tributary M-C .....	Approximately 0.56 mile upstream of Loop 323 .....	None	+532	City of Tyler.
	Approximately 450 feet upstream of the West Mud Creek confluence.	+478	+477	
Tributary M-C.1 .....	Approximately 75 feet upstream of Azalea Drive .....	None	+531	City of Tyler.
	Approximately 160 feet upstream of the West Mud Creek Tributary M-C confluence.	+489	+488	
Tributary M-C.2 .....	At the upstream side of Shannon Drive .....	None	+510	City of Tyler.
	At the West Mud Creek Tributary M-C confluence .....	None	+502	
Wiggins Creek .....	Approximately 1,225 feet upstream of Fair Lane .....	None	+524	Unincorporated Areas of Smith County.
	At the downstream side of the railroad .....	None	+327	
	Approximately 0.83 mile upstream of Harris Creek Church Road.	None	+373	

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	
Willow Creek .....	At the Black Fork Creek confluence .....	+419	+423	City of Tyler, Unincorporated Areas of Smith County.
	Approximately 375 feet upstream of West Front Street	None	+522	

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+ North American Vertical Datum.

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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

##### City of Tyler

Maps are available for inspection at the Development Services Office, 423 West Ferguson Street, Tyler, TX 75702.

##### Unincorporated Areas of Smith County

Maps are available for inspection at the Smith County Courthouse, 100 North Broadway Avenue, Tyler, TX 75702.

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

Dated: August 12, 2011.

**Sandra K. Knight,**

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

[FR Doc. 2011-21709 Filed 8-24-11; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Part 192

[Docket No. PHMSA-2011-0023]

RIN 2137-AE72

### Pipeline Safety: Safety of Gas Transmission Pipelines

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

**ACTION:** Advance notice of proposed rulemaking (ANPRM).

**SUMMARY:** PHMSA is considering whether changes are needed to the regulations governing the safety of gas transmission pipelines. In particular, PHMSA is considering whether integrity management (IM) requirements should be changed, including adding more prescriptive language in some areas, and whether other issues related to system

integrity should be addressed by strengthening or expanding non-IM requirements. Among the specific issues PHMSA is considering concerning IM requirements is whether the definition of a high-consequence area (HCA) should be revised, and whether additional restrictions should be placed on the use of specific pipeline assessment methods. With respect to non-IM requirements, PHMSA is considering whether revised requirements are needed on new construction or existing pipelines concerning mainline valves, including valve spacing and installation of remotely operated or automatically operated valves; whether requirements for corrosion control of steel pipelines should be strengthened; and whether new regulations are needed to govern the safety of gathering lines and underground gas storage facilities. Additional issues PHMSA is considering are addressed in the **SUPPLEMENTARY INFORMATION** Section under background.

**DATES:** Persons interested in submitting written comments on this ANPRM must do so by December 2, 2011. PHMSA will consider late filed comments as far as practicable.

**FOR FURTHER INFORMATION CONTACT:** Mike Israni, by telephone at 202-366-4571, by fax at 202-366-4566, or by mail at U.S. DOT, PHMSA, 1200 New Jersey Avenue, SE., PHP-1, Washington, DC 20590-0001.

**ADDRESSES:** You may submit comments identified by the docket number

PHMSA-2011-0023 by any of the following methods:

- **Web Site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 1-202-493-2251.
- **Mail:** Hand Delivery: U.S. DOT Docket Management System, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Instructions:** If you submit your comments by mail, submit two copies. To receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard.

**Note:** Comments are posted without changes or edits to <http://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <http://www.regulations.gov>. A glossary of terms used in this document can be found at the following Web site: <http://primis.phmsa.dot.gov/comm/>.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Congress has authorized Federal regulation of the transportation of gas by pipeline under the Commerce Clause of the U.S. Constitution. The authorization is codified in the Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*), a series of statutes that are administered by PHMSA. PHMSA promulgated comprehensive minimum safety standards for the transportation of gas by pipeline under the Pipeline Safety