

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	
Winterpock Creek .....	Approximately 1.7 miles upstream of Mount Herman Road (SR-606).	None	*258	Unincorporated Areas of Chesterfield County.
	At the confluence with Lake Chesdin .....	None	*163	
	Approximately 450 feet upstream of Beach Road (SR-655).	None	*241	

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

#### ADDRESSES

##### Unincorporated Areas of Chesterfield County

Maps are available for inspection at 9800 Government Center Parkway, Chesterfield, VA 23832.

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

Dated: May 5, 2010.

**Sandra K. Knight,**

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

[FR Doc. 2010-12481 Filed 5-24-10; 8:45 am]

**BILLING CODE 9110-12-P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Federal Emergency Management Agency

##### 44 CFR Part 67

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1125]

##### 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 August 23, 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-1125, 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](mailto: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](mailto: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	
Lawrence County, Illinois, and Incorporated Areas				
Brushy Creek .....	Approximately 100 feet downstream of North 1550th Street (County Route 5 Bridge).	None	+437	Unincorporated Areas of Lawrence County.
	Approximately at the downstream side of North 1550th Street (County Route 5 Bridge).	None	+437	
Wabash River .....	Approximately 3.5 miles downstream of the Wabash Cannonball Railroad Bridge.	None	+415	City of St. Francisville.
	Approximately 0.5 mile downstream of the Wabash Cannonball Railroad Bridge.	None	+417	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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\*\* 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 St. Francisville

Maps are available for inspection at City Hall, 207 South 6th Street, St. Francisville, IL 62460.

##### Unincorporated Areas of Lawrence County

Maps are available for inspection at the Lawrence County Courthouse, 1100 State Street, Lawrenceville, IL 62439.

#### Marshall County, Kentucky, and Incorporated Areas

Barrett Branch (Backwater effects from Tennessee River).	At the confluence with Little Cypress Creek .....	+342	+341	Unincorporated Areas of Marshall County.
	Approximately 1,600 feet upstream of the confluence with Howard Branch.	+342	+341	
Bee Creek .....	Approximately 1,250 feet downstream of KY-408 .....	None	+390	City of Benton, Unincorporated Areas of Marshall County.
	Approximately 1,250 feet upstream of KY-408 .....	None	+405	
Clear Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 0.8 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Marshall County.
Cypress Creek .....	Approximately 600 feet downstream of I-24 .....	None	+347	
	Approximately 900 feet downstream of the confluence with Little John Creek.	None	+348	City of Calvert City.
Cypress Creek (Backwater effects from Tennessee River).	At the confluence with the Tennessee River .....	+342	+341	
	Approximately 0.7 mile downstream of Industrial Parkway (KY-1523).	+342	+341	City of Benton.
East Fork Clarks River .....	At the confluence with Strow Branch .....	None	+361	
	Approximately 0.5 mile upstream of U.S. Route 641 (Main Street).	None	+365	

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
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Howard Branch (Backwater effects from Tennessee River).	From the confluence with Barrett Branch to approximately 0.6 mile upstream of the confluence with Barrett Branch.	+342	+341	Unincorporated Areas of Marshall County.
Jonathan Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 1.6 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Marshall County.
Little Cypress Creek (Backwater effects from Tennessee River).	At the confluence with Cypress Creek .....	+342	+341	Unincorporated Areas of Marshall County.
Little White Oak Creek (Backwater effects from Tennessee River).	Approximately 0.4 mile upstream of U.S. Route 62 ....	+342	+341	Unincorporated Areas of Marshall County.
	From the confluence with White Oak Creek to approximately 1 mile upstream of the confluence with White Oak Creek.	+342	+341	
Olive Branch (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 0.7 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Marshall County.
Olive Branch Tributary 6 (Backwater effects from Kentucky Lake).	From the confluence with Olive Branch to approximately 0.6 mile upstream of the confluence with Olive Branch.	None	+375	Unincorporated Areas of Marshall County.
Ruff Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 0.6 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Marshall County.
Strow Branch .....	Approximately 500 feet downstream of West 1st Street.	None	+362	City of Benton, Unincorporated Areas of Marshall County.
Strow Branch .....	Approximately 300 feet downstream of KY-348 .....	None	+372	Unincorporated Areas of Marshall County.
	Approximately 1,400 feet downstream of Allen Heights Drive.	None	+407	
	Approximately 500 feet upstream of Allen Heights Drive.	None	+433	
Strow Branch Tributary H .....	Approximately 1,000 feet downstream of Colonial Drive.	None	+424	Unincorporated Areas of Marshall County.
Tennessee River .....	Approximately 100 feet upstream of Colonial Drive ....	None	+447	City of Calvert City, Unincorporated Areas of Marshall County.
	Approximately 0.7 mile downstream of the confluence with White Oak Creek.	+342	+340	
Town Creek .....	Just downstream of the Kentucky Dam .....	+345	+343	City of Benton.
	Approximately 150 feet downstream of the railroad ....	None	+370	
Town Creek .....	Approximately 950 feet upstream of the railroad .....	None	+373	City of Benton.
	Approximately 1,300 feet upstream of Main Street ....	None	+398	
Town Creek Tributary C .....	At the confluence with Town Creek Tributary E .....	None	+410	City of Benton, Unincorporated Areas of Marshall County.
	At the confluence with Town Creek .....	None	+370	
Town Creek Tributary C .....	Just downstream of KY-408 .....	None	+378	City of Benton, Unincorporated Areas of Marshall County.
	Just downstream of KY-1445 .....	None	+389	
Town Creek Tributary D .....	Approximately 200 feet downstream of Haltom Road	None	+436	City of Benton.
	At the confluence with Town Creek .....	None	+398	
	Approximately 800 feet upstream of Country Club Lane.	None	+423	
Town Creek Tributary E .....	Just upstream of Golf Course Road .....	None	+416	Unincorporated Areas of Marshall County.
Town Creek Tributary F .....	Approximately 950 feet downstream of Town Creek Tributary F.	None	+436	Unincorporated Areas of Marshall County.
	Approximately 450 feet upstream of the confluence with Town Creek Tributary E.	None	+449	
	Approximately 1,100 feet upstream of the confluence with Town Creek Tributary E.	None	+462	
Tributary A East of Jackson Purchase Parkway.	Approximately 300 feet downstream of the railroad ....	None	+371	City of Benton, Unincorporated Areas of Marshall County.
Tributary B East of Jackson Purchase Parkway.	Approximately 450 feet downstream of Old Symsonia Road.	None	+397	Unincorporated Areas of Marshall County.
	At the confluence with Tributary A East of Jackson Purchase Parkway.	None	+389	

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Tributary B West of Jackson Purchase Parkway.  West Fork Ruff Creek (Backwater effects from Kentucky Lake). White Oak Creek (Backwater effects from Tennessee River). White Oak Creek Tributary 1 (Backwater effects from Tennessee River).	Approximately 350 feet downstream of Old Symsonia Road.	None	+399	Unincorporated Areas of Marshall County.
	Approximately 350 feet downstream of the railroad ....	None	+364	
	Just downstream of Symsonia Highway (KY-348) .....	None	+377	
	From the confluence with Kentucky Lake to approximately 0.6 mile upstream of the confluence with Kentucky Lake.	None	+375	
	From the confluence with the Tennessee River to approximately 1.5 mile upstream of the confluence with the Tennessee River.	+342	+340	
	From the confluence with White Oak Creek to approximately 1,500 feet upstream of the confluence with White Oak Creek.	+342	+340	Unincorporated Areas of Marshall County.

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\*\* 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 Benton

Maps are available for inspection at 1009 Main Street, Benton, KY 42025.

##### City of Calvert City

Maps are available for inspection at 861 East 5th Avenue, Calvert City, KY 42029.

##### Unincorporated Areas of Marshall County

Maps are available for inspection at 1101 Main Street, Benton, KY 42025.

#### Sherburne County, Minnesota, and Incorporated Areas

Big Elk Lake .....	Entire Shoreline .....	+968	+969	Unincorporated Areas of Sherburne County.
Briggs Lake .....	Entire Shoreline .....	+968	+969	Unincorporated Areas of Sherburne County.
Eagle Lake .....	Entire Shoreline .....	None	+928	Unincorporated Areas of Sherburne County.
Elk Lake .....	Entire Shoreline .....	None	+953	Unincorporated Areas of Sherburne County.
Elk River .....	Approximately 50 feet upstream of U.S. Route 10 .....	+878	+877	City of Becker, City of Big Lake, City of Elk River, Unincorporated Areas of Sherburne County.
Fremont Lake .....	At Big Elk Lake .....	+968	+969	City of Zimmerman, Unincorporated Areas of Sherburne County.
	Entire Shoreline .....	None	+977	
Julia Lake .....	Entire Shoreline .....	+968	+969	Unincorporated Areas of Sherburne County.
Long Pond .....	Entire Shoreline .....	None	+966	Unincorporated Areas of Sherburne County.
Rush Lake .....	Entire Shoreline .....	+968	+969	Unincorporated Areas of Sherburne County.
Trott Brook .....	At the Anoka County boundary .....	+880	+879	City of Elk River.
	Approximately 0.86 mile upstream of Brook Road .....	None	+943	

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		Effective	Modified	

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 Becker

Maps are available for inspection at City Hall, 12060 Sherburne Avenue, Becker, MN 55308.

##### City of Big Lake

Maps are available for inspection at City Hall, 160 Lake Street North, Big Lake, MN 55309.

##### City of Elk River

Maps are available for inspection at City Hall, 13065 Orono Parkway, Elk River, MN 55330.

##### City of Zimmerman

Maps are available for inspection at City Hall, 12980 Fremont Avenue, Zimmerman, MN 55398.

#### Unincorporated Areas of Sherburne County

Maps are available for inspection at the Sherburne County Government Center, 13880 U.S. Route 10, Elk River, MN 55330.

#### Broome County, New York (All Jurisdictions)

Butler Brook .....	At the confluence with West Branch Delaware River ..	+986	+993	Village of Deposit.
	Approximately 200 feet upstream of Elm Street .....	+997	+998	
Chenango River .....	At the confluence with Susquehanna River Reach 1 ..	+843	+846	City of Binghamton, Town of Barker, Town of Chenango, Town of Dickinson, Town of Fenton, Village of Port Dickinson.
	Approximately 5,210 feet upstream of State Route 79	+900	+901	
Choconut Creek .....	At the confluence with Susquehanna River Reach 1 ..	+829	+832	Town of Vestal.
	Approximately 1,875 feet upstream of Front Street .....	+831	+832	
Deer Lake .....	Entire shoreline within county .....	None	+1521	Town of Windsor.
East Branch Naticoke Creek	Approximately 3,026 feet downstream of Leekville Road.	None	+975	Town of Maine.
	Approximately 1,993 feet downstream of Leekville Road.	None	+979	
Little Snake Creek .....	At the confluence with Susquehanna River Reach 1 ..	+862	+866	Town of Conklin.
	Approximately 100 feet downstream of Milltown Drive	+865	+866	
Naticoke Creek .....	At the confluence with Susquehanna River Reach 1 ..	+829	+831	Town of Maine, Town of Union, Village of Endicott.
	Approximately 1,400 feet upstream of Naticoke Drive	+872	+870	
Oquaga Creek .....	At the confluence with West Branch Delaware River ..	+985	+992	Village of Deposit.
	Approximately 130 feet downstream of Mill Street .....	+991	+992	
Osborne Creek .....	At the confluence with the Chenango River .....	+869	+872	Town of Colesville, Town of Fenton.
	Approximately 2.5 miles upstream of Ballyhack Road	None	+1011	
Page Brook .....	At the confluence with the Chenango River .....	+876	+878	Town of Fenton.
	Approximately 630 feet downstream of Rodgers Road	+877	+878	
Snake Creek .....	At the confluence with Susquehanna River Reach 1 ..	+864	+868	Town of Conklin.
	Approximately 1,800 feet upstream of Conklin Road ..	+867	+868	
Susquehanna River Reach 1	Approximately 3.6 miles downstream of Old Vestal Avenue.	+827	+828	City of Binghamton, Town of Binghamton, Town of Conklin, Town of Kirkwood, Town of Union, Town of Vestal, Village of Endicott, Village of Johnson City.
	Approximately 3.6 miles upstream of Cedarhurst Road.	+867	+872	
Susquehanna River Reach 2	Approximately 6.5 miles downstream of State Highway 17.	+912	+918	Town of Colesville, Town of Windsor, Village of Windsor.
	Approximately 890 feet upstream of Nineveh Bridge ..	+963	+965	
Tioughnioga River Reach 1 ..	At the confluence with the Chenango River .....	None	+898	Town of Chenango.
	Approximately 1,270 feet upstream of State Route 12	None	+898	
West Branch Delaware River	Approximately 1.8 mile downstream of Hale Eddy Bridge Road.	+948	+953	Town of Sanford, Village of Deposit.
	Approximately 3,920 feet upstream of Pine Street .....	+994	+999	

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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 Binghamton

Maps are available for inspection at City Hall, 38 Hawley Street, Binghamton, NY 13901.

##### Town of Barker

Maps are available for inspection at the Barker Town Hall, 151 Hyde Street, Castle Creek, NY 13744.

##### Town of Binghamton

Maps are available for inspection at the Binghamton Town Hall, 279 Park Avenue, Binghamton, NY 13903.

##### Town of Chenango

Maps are available for inspection at the Chenango Town Hall, 1529 State Route 12, Binghamton, NY 13901.

##### Town of Colesville

Maps are available for inspection at the Colesville Town Hall, 780 Welton Street, Harpursville, NY 13787.

##### Town of Conklin

Maps are available for inspection at the Town Hall, 1271 Conklin Road, Conklin, NY 13748.

##### Town of Dickinson

Maps are available for inspection at the Dickinson Town Hall, 531 Old Front Street, Binghamton, NY 13905.

##### Town of Fenton

Maps are available for inspection at the Fenton Town Hall, 44 Park Street, Port Crane, NY 13833.

##### Town of Kirkwood

Maps are available for inspection at the Town Hall, 70 Crescent Drive, Kirkwood, NY 13795.

##### Town of Maine

Maps are available for inspection at the Town Hall, 12 Lewis Street, Maine, NY 13802.

##### Town of Sanford

Maps are available for inspection at the Sanford Town Hall, 91 2nd Street, Deposit, NY 13754.

##### Town of Union

Maps are available for inspection at the Union Town Hall, 3111 East Main Street, Endwell, NY 13760.

##### Town of Vestal

Maps are available for inspection at the Town Hall, 605 Vestal Parkway West, Vestal, NY 13850.

##### Town of Windsor

Maps are available for inspection at the Windsor Town Hall, 124 Main Street, Windsor, NY 13865.

##### Village of Deposit

Maps are available for inspection at the Village Hall, 146 Front Street, Deposit, NY 13754.

##### Village of Endicott

Maps are available for inspection at the Village Office, 1009 East Main Street, Endicott, NY 13760.

##### Village of Johnson City

Maps are available for inspection at the Village Municipal Office, 243 Main Street, Johnson City, NY 13790.

##### Village of Port Dickinson

Maps are available for inspection at the Port Dickinson Village Hall, 786 Chenango Street, Binghamton, NY 13901.

##### Village of Windsor

Maps are available for inspection at the Windsor Village Community House, 107 Main Street, Windsor, NY 13865.

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

Dated: May 11, 2010.

**Sandra K. Knight,**

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

[FR Doc. 2010-12486 Filed 5-24-10; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1112]

#### 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 August 23, 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-1112, 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](mailto: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](mailto: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 these 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	
Carter County, Kentucky, and Incorporated Areas				
Barrett Creek (Backwater from Little Sandy River).	From the confluence with the Little Sandy River to approximately 0.5 mile upstream of Eagle Drive.	None	+581	Unincorporated Areas of Carter County.
Bens Run (Backwater from Tygarts Creek).	From the confluence with Tygarts Creek to approximately 0.6 mile upstream of the confluence with Tygarts Creek.	None	+752	Unincorporated Areas of Carter County.