

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7303]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington,

DC 20472, (202) 646-3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations 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 base flood and modified base flood elevations, 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 are also 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.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because

proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

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:

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Connecticut	Shelton (City), Fairfield County.	Farmill River	Approximately 250 feet upstream from confluence of Means Brook.	*237	*236
			Approximately 140 feet upstream of Farmill Road.	*356	*355
Maps available for inspection at the Shelton City Hall, 54 Hill Street, Shelton, Connecticut. Send comments to The Honorable Mark A. Lauretti, Mayor of the City of Shelton, 54 Hill Street, Shelton, Connecticut 06484.					
Connecticut	Wallingford (Town), New Haven County.	Quinnipiac River	Approximately 1,560 feet downstream of Toelles Road.	*22	*23
			Approximately 1.25 miles upstream of Oak Street.	*69	*70
Maps available for inspection at the Town of Wallingford Department of Planning & Zoning, 45 South Main Street, Wallingford, Connecticut.					
Delaware	New Castle County (Unincorporated Areas).	Unnamed Tributary to Mill Creek.	Approximately 600 feet upstream of confluence with Mill Creek.	None	*242
			Approximately 870 feet upstream of Loblolly Court.	None	*281

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the New Castle Government Center, 87 Reads Way, New Castle, Delaware.

Send comments to Mr. Thomas Gordon, New Castle County Executive, New Castle County Government Center, 87 Reads Way, New Castle, Delaware 19720.

Georgia	Albany (City), Dougherty County.	Flint River	Approximately 800 feet downstream of East Oakridge Drive.	*182	*183
			Approximately 5.9 miles upstream of Lake Worth Dam.	*200	*197

Maps available for inspection at the Dougherty County Planning & Development Services Department, 222 Pine Avenue, Albany, Georgia.

Send comments to Mr. Phillip West, Dougherty County Planner I, Planning & Development Services, P.O. Box 447, Albany, Georgia 31702-0447.

Georgia	Dougherty County (Unincorporated Areas).	Spring Flats Branch	Approximately 120 feet downstream of Georgia Highway 300 off-ramp.	None	*182
			Approximately 50 feet upstream of Gaisser Road.	None	*223
		Piney Woods Creek	Approximately 6,100 feet downstream of Cordele Road (U.S. 300).	*200	*197
			Approximately 4,100 feet upstream of South County Line Road.	None	*238
		Flint River	Approximately 9.625 miles downstream of Oak Ridge Drive (at corporate limits).	*177	*173
			Approximately 10.55 miles upstream of Lakeworth Dam (at corporate limits).	*207	*204
		Dry Creek	Approximately 0.52 mile downstream of State Route 3.	*177	*174
			Approximately 1,000 feet downstream of U.S. Route 19.	*180	*179
		Tributary 1 to Dry Creek ...	Approximately 0.53 mile downstream of Unnamed Farm Road.	None	*229
			Approximately 1,600 feet downstream of Unnamed Farm Road.	None	*231
Tributary 4 to Flint River ...	Approximately 1.34 mile downstream of State Highway 257 (Cordele Road).	*200	*197		
	Approximately 650 feet downstream of State Highway 257 (Cordele Road).	*200	*199		

Maps available for inspection at the Dougherty County Planning & Development Services Department, 222 Pine Avenue, Albany, Georgia.

Send comments to Mr. Phillip West, Dougherty County Planner I, Planning & Development Services, P.O. Box 447, Albany, Georgia 31702-0447.

Illinois	Evanston (City), Cook County.	Lake Michigan	Entire shoreline affecting community	None	*585
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Maps available for inspection at the City of Evanston's Engineer's Office, 2100 Ridge Avenue, Evanston, Illinois.

Send comments to The Honorable Lorraine Morton, Mayor of the City of Evanston, 2100 Ridge Avenue, Evanston, Illinois 60201.

Illinois	Franklin Park (Village), Cook County.	Crystal Creek Tributary	Approximately 85 feet downstream of Panoramic Drive.	None	*643
			Approximately 480 feet upstream of Mannheim Road.	None	*645
		Sexton Ditch	Approximately 1,450 feet upstream of confluence with Crystal Creek Tributary.	None	*643
			Approximately 1,830 feet upstream of confluence with Crystal Creek Tributary.	None	*643
		Des Plaines River	Just upstream of Belmont Avenue	*623	*627
Approximately 500 feet downstream of Irving Park Road.	None		*628		

Maps available for inspection at the Franklin Park Village President's Office, 9500 Belmont Avenue, Franklin Park, Illinois.

Send comments to Mr. Daniel B. Pritchett, Village of Franklin Park President, 9500 Belmont Avenue, Franklin Park, Illinois 60131.

Illinois	Riverdale (Village), Cook County.	Little Calumet River	Approximately 600 feet upstream of the confluence with Calumet Sag Channel.	None	*588
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State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Riverdale Village Hall, Office of Community and Economic Development, 157 West 144th Street, Riverdale,
 Send comments to The Honorable Joseph Szabo, Mayor of the Village of Riverdale, 157 West 144th Street, Riverdale, Illinois 60827.

Indiana	Indianapolis (City), Marion County.	Derbyshire Creek	Approximately 275 feet upstream of Perrault Drive.	None	*770
			Upstream Limit of Detailed Study at McFarland Road (approximately 325 feet north of intersection of East Banta Road and McFarland Road).	None	*773
		O'Brian Ditch	Upstream side of 42nd Street	None	*835
			Approximately 1,150 feet upstream of Black Locust Drive.	None	*853

Maps available for inspection at the City-County Building, 200 East Washington Street, Room 2142, Indianapolis, Indiana.
 Send comments to Ms. Donna L. Price, City of Indianapolis Floodplain Manager, Department of Capital Asset Management, 200 East Washington Street, City-County Building, Room 2501, Indianapolis, Indiana 46204-3354.

Indiana	New Albany (City), Floyd County.	Fall Run	At confluence with Falling Run	*438	*443
			At downstream side of Grant Line Road ..	*442	*443
		Falling Run	At Ohio River levee	*433	*438
			At Janie Drive	*479	*474
		Middle Creek	Approximately 150 feet downstream of State Route 111.	None	*448
			Approximately 75 feet upstream of upstream crossing of Southern Railway.	None	*472
	Vincennes Run	At confluence with Middle Creek	None	*448	
		Approximately 70 feet upstream of Eagle Lane.	None	*471	

Maps available for inspection at the City of New Albany City-County Building, Board of Public Works, Room 317, 311 Hauss Square, New Albany, Indiana.
 Send comments to The Honorable Douglas B. England, Mayor of the City of New Albany, Room 316, City-County Building, 311 Hauss Square, New Albany, Indiana 47150-3586.

Massachusetts	Easton (Town), Bristol County.	Gowards Brook	Approximately 1,300 feet downstream of Norton Avenue.	*95	*94
			Approximately 100 feet upstream of State Route 106.	*147	*141

Maps available for inspection at the Town of Easton Planning & Zoning Department, 136 Elm Street, Easton, Massachusetts.
 Send comments to Mr. Kevin Paicos, Easton Town Administrator, 136 Elm Street, Easton, Massachusetts 02356.

Michigan	Blaine (Township), Benzie County.	Lake Michigan	Entire shoreline within the community	None	*585
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Maps available for inspection at the Blaine Township Hall, Meeting Room, 4760 Herring Grove Road (White Owl Road), Arcadia, Michigan.
 Send comments to Mr. Donald Smeltzer, Blaine Township Supervisor, 3063 Herring, Arcadia, Michigan 49613-9606.

Michigan	DeTour (Township), Chippewa County.	Lake Huron	Entire shoreline within the community	None	*584
		Saint Marys River	Entire shoreline within the community	None	*584

Maps available for inspection at the DeTour Township Office, 260 Superior Street, DeTour Village, Michigan.
 Send comments to Mr. Thomas E. Lehman, DeTour Township Supervisor, 18659 E-M134 #75, DeTour Village, Michigan 49725.

Michigan	Drummond Island (Township), Chippewa County.	Saint Marys River	Entire shoreline within the community	None	*584
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Maps available for inspection at the Drummond Island Township Hall, 110 Center Street, Drummond Island, Michigan.
 Send comments to Mr. Frank Sasso, Drummond Island Township Supervisor, 110 Center Street, Drummond Island, Michigan 4972.

Michigan	Garfield (Township), Mackinac County.	Lake Michigan	Entire shoreline within the community	None	*585
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Maps available for inspection at the Garfield Township Hall, Route 1, Krause Road, Engadine, Michigan.
 Send comments to Mr. Thomas King, Garfield Township Supervisor, P.O. Box 148, Engadine, Michigan 49827.

Michigan	Moran (Township), Mackinac County.	Lake Michigan	Entire shoreline within community	None	*585
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State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
<p>Maps available for inspection at the Moran Township Hall, 1358 West U.S. Highway 2, St. Ignace, Michigan. Send comments to Mr. Robert Holle, Moran Township Supervisor, 1358 West U.S. Highway 2, St. Ignace, Michigan 49781-9643.</p>					
Michigan	Onota (Township), Alger County.	Lake Superior	Entire shoreline within the community	None	*604
<p>Maps available for inspection at the Onota Township Hall, 1461 Deerton Sandlake Road, Deerton, Michigan. Send comments to Mr. Andrew Mika, Onota Township Supervisor, P.O. Box 32, Deerton, Michigan 49822.</p>					
Michigan	Powell (Township), Marquette County.	Lake Superior	Entire shoreline within the community	None	*604
<p>Maps available for inspection at the Powell Township Hall, 101 Bensinger Avenue, Big Bay, Michigan. Send comments to Ms. Sarah Peltó, Powell Township Supervisor, P.O. Box 39, Big Bay, Michigan 49808.</p>					
Michigan	St. Ignace (Township), Mackinac County.	Lake Huron	Entire shoreline within the community	None	*585
<p>Maps available for inspection at the Mackinac County Courthouse Annex, 100 North Marley, Room 115, St. Ignace, Michigan. Send comments to Mr. Dale Nelson, St. Ignace Township Supervisor, P.O. Box 373, St. Ignace, Michigan 49781.</p>					
Minnesota	Houston (City), Houston County.	Root River	Approximately 0.5 mile downstream of Grant Street (State Route 76).	*683	*682
			Approximately 0.6 mile upstream of Grant Street (State Route 76).	*690	*686
		Outlet A-1	Approximately 100 feet south of intersection of Washington and Elm Streets.	*689	*682
		Outlet A-2	Approximately 400 feet north of intersection of Plum and Grant Streets.	*685	*681
		Outlet B	Approximately 150 feet northeast of intersection of Henderson and Elm Streets.	*683	*679
<p>Maps available for inspection at the Houston City Hall, 105 West Maple Street, Houston, Minnesota. Send comments to The Honorable Terry Chiglo, Mayor of the City of Houston, 105 West Maple Street, Houston, Minnesota 55943-0667.</p>					
New Hampshire	New Boston (Town), Hillsborough County.	South Branch Piscataquog River.	Approximately 10 feet upstream of Merrimack Farmers Exchange Dam.	*424	*418
		Approximately 0.51 mile upstream of Butterfield Mill Road.	None	*532
<p>Maps available for inspection at the New Boston Town Hall, 7 Meetinghouse Hill Road, New Boston, New Hampshire. Send comments to Mr. Burton H. Reynolds, New Boston Town Administrator, P.O. Box 250, New Boston, New Hampshire 03070.</p>					
New Hampshire	Rindge (Town), Cheshire County.	Lake Monomonac/North Branch.	At the New Hampshire/Massachusetts State boundary.	None	*1,049
		Millers River	At Mill Pond Road	None	*1,184
<p>Maps available for inspection at the Rindge Town Office, 49 Payson Hill Road, Rindge, New Hampshire. Send comments to Mr. Carl E. Weber, Rindge Town Administrator, P.O. Box 163, Rindge, New Hampshire 03461.</p>					
New Jersey	East Hanover (Township), Morris County.	Passaic River	Approximately 1,125 feet downstream of Eagle Rock Avenue.	*175	*174
			Approximately 275 feet upstream of Mount Pleasant Avenue.	*175	*176
<p>Maps available for inspection at the East Hanover Township Hall, Engineering Department, 411 Ridgedale Avenue, East Hanover, New Jersey. Send comments to The Honorable Lawrence J. Colasurdo, Mayor of the Township of East Hanover, 411 Ridgedale Avenue, East Hanover, New Jersey 07936.</p>					
New Jersey	Florham Park (Borough), Morris County.	Passaic River	At Columbia Turnpike	*177	*176
			Approximately 0.39 mile downstream of Passaic Avenue.	*177	*176
		Fish's Brook	At the confluence with Passaic River	*177	*176
			Approximately 50 feet upstream of Brooklake Road.	*177	*176

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Borough of Florham Park Engineering Office, 111 Ridgedale Avenue, Florham Park, New Jersey.
Send comments to Mr. Dwight F. Longley, Florham Borough Administrator, 111 Ridgedale Avenue, Florham Park, New Jersey 07932.

New Jersey	Livingston (Township), Essex County.	Passaic River	Approximately 2.1 miles downstream of State Route 10.	*174	*175
			Approximately 1.7 miles upstream of the confluence of Passaic River Tributary.	None	*176
		Passaic River Tributary	At the confluence with Passaic River	*177	*176
			Approximately 0.25 mile downstream of South Orange Avenue.	*177	*176

Maps available for inspection at the Livingston Town Hall, Engineering Department, 357 South Livingston Avenue, Livingston, New Jersey.
Send comments to Mr. Charles J. Tahaney, Livingston Township Manager, 357 South Livingston Avenue, Livingston, New Jersey 07039.

New York	Brunswick (Town), Rensselaer County.	Piscawen Kill	At the Brunswick/Troy corporate limits	None	*363
			Approximately 50 feet upstream of North Lake Avenue Crossing #4.	None	*477

Maps available for inspection at the Brunswick Town Hall, Assessor's Office, 308 Town Office Road, Troy, New York.
Send comments to Mr. Philip Herrington, Brunswick Town Supervisor, 308 Town Office Road, Troy, New York 12180.

New York	Lowville (Town), Lewis County.	Mill Creek	At confluence with Black River	None	*744
			At upstream corporate limits	None	*760

Maps available for inspection at the Lowville Town Hall, 5533 Bostwick, Lowville, New York.
Send comments to Mr. Arleigh D. Rice, Lowville Town Supervisor, Route 3, Box 8T, Lowville, New York 13367.

North Carolina	Clayton (Town), Johnston County.	Little Creek	Approximately 1,000 feet downstream of Ranch Road.	*196	*197
			Just downstream of Robertson Street	*251	*250

Maps available for inspection at the Clayton Town Hall, Planning Department, 231 East 2nd Street, Clayton, North Carolina.
Send comments to Mr. Steve Biggs, Clayton Town Manager, P.O. Box 879, Clayton, North Carolina 27250.

North Carolina	Davidson County (Unincorporated Areas).	Hasty Creek	Approximately 800 feet upstream of confluence with Hunts Fork.	*719	*720
			Approximately 250 feet downstream of NCSR 1781.	*746	*747
		Payne Creek	Approximately 225 feet downstream of NCSR 1757.	*735	*736
			Approximately 0.96 mile upstream of confluence of Payne Creek Tributary.	*753	*766
		Payne Creek Tributary	At confluence with Payne Creek	None	*744
			Approximately 1.1 miles upstream from Canterbury Road.	None	*782
		Rich Fork	Approximately 0.5 mile downstream of NCSR 1755.	*708	*709
			Approximately 0.4 mile upstream of NCSR 1741.	*764	*765
		Rich Fork Tributary	At confluence with Rich Fork	*764	*765
			Approximately 780 feet upstream of NCSR 1739.	*779	*780
		Stream No. 97	At confluence with Stream No. 99	None	*747
			Approximately 0.74 mile upstream from confluence with Stream No. 99.	None	*764
Stream No. 99	At confluence with Payne Creek	None	*731		
	Approximately 0.71 mile upstream from confluence with Stream No. 97.	None	*778		

Maps available for inspection at the Davidson County Governmental Center, 913 Greensboro Street, Lexington, North Carolina.
Send comments to Mr. Robert C. Hyatt, Davidson County Manager, P.O. Box 1067, Lexington, North Carolina 27293.

North Carolina	Franklin County (Unincorporated Areas).	Lake Royale	Approximately 3,000 feet east of intersection of Baptist Church Road and Sledge Road.	None	*191
		Tar River	A point approximately 1.20 miles upstream of North Main Street.	None	*207

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			A point approximately 1.66 miles upstream of North Main Street.	None	*211

Maps available for inspection at the Franklin County Planning and Development Office, 215 East Nash Street, Louisburg, North Carolina.
Send comments to Mr. James Moss, Chairman of the Franklin County Board of Commissioners, 113 Market Street, Louisburg, North Carolina 27549.

North Carolina	Johnston County (Unincorporated Areas).	Little Creek	At confluence with Swift Creek	None	*156
			Approximately 1,000 feet downstream of Ranch Road.	*196	*197
		Swift Creek	Approximately 0.4 mile downstream of confluence of Little Creek.	*153	*154
			At Wake County line	*201	*203
		Poplar Creek	Approximately 700 feet downstream of Wilson Mills Road.	None	*129
			At corporate limits of Town of Wilson Mills.	None	*171
		Unnamed Tributary	At the confluence of Swift Creek	None	*193
		#1 to Swift Creek	At the Wake County line	None	*218
		Unnamed Tributary	At the confluence with Swift Creek	None	*178
		# 2 to Swift Creek	Just upstream of Cornwallis Road	None	*262
White Oak Creek	At the confluence with Swift Creek	None	*187		
	At the Wake County line	None	*223		
Little Poplar Creek	At the confluence with Poplar Creek	None	*140		
	250 feet upstream from U.S. Highway 70	None	*247		

Maps available for inspection at the Johnson County GIS Department, 207 East Johnston Street, Smithfield, North Carolina.
Send comments to Mr. Rick Haster, Johnston County Manager, P.O. Box 1049, Smithfield, North Carolina 27577.

North Carolina	Lexington (City), Davidson County.	Darr Branch	Approximately 1,880 feet upstream of confluence with Abbotts Creek.	*641	*640
			Approximately 20 feet downstream of Tanvard Street.	*721	*724
		Darr Drain	At confluence with Darr Branch	*656	*652
			Approximately 1,025 feet upstream of Young Drive.	*681	*676
		Nokomis Branch	At confluence with Darr Branch	*662	*659
			Approximately 80 feet upstream of North Pine Street.	*742	*743
		Twin Creek	At a point approximately 250 feet upstream of confluence with Abbotts Creek.	*636	*635
			Approximately 0.43 mile upstream of confluence with Abbotts Creek.	None	*661
Twin Creek Tributary	Approximately 475 feet upstream of confluence with Abbotts Creek.	*648	*636		
	At a point approximately 1,600 feet upstream of confluence with Abbotts Creek.	*661	*654		

Maps available for inspection at the City of Lexington Community Development Department, 28 West Center Street, Lexington, North Carolina.
Send comments to The Honorable Richard Thomas, Mayor of the City of Lexington, 28 West Center Street, Lexington, North Carolina 27293.

North Carolina	Thomasville (City), Davidson County.	Hasty Creek	At upstream side of NCSR 1779	None	*768
			Approximately 210 feet upstream of State Route 68.	None	*850

Maps available for inspection at the Thomasville City Hall, 10 Salem Street, Thomasville, North Carolina.
Send comments to The Honorable Don Truell, Mayor of the City of Thomasville, 10 Salem Street, Thomasville, North Carolina 27360.

North Carolina	Wilson's Mills (Town), Johnston County.	Poplar Creek	From the Town of Wilson's Mills corporate limits to Swift Creek Road.	None	*171
				None	*196

Maps available for inspection at the Wilson's Mills Town Hall, 22 Fire Department Road, Wilson's Mills, North Carolina.
Send comments to The Honorable Kenneth R. Jones, Mayor of the Town of Wilson's Mills, P.O. Box 448, Wilson's Mills, North Carolina 27593.

Ohio	Newark (City), Licking County.	North Fork Licking River ...	Approximately 360 feet upstream of confluence with Licking River.	*814	*831
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State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 4,752 feet upstream of Manning Street.	*813	*830

Maps available for inspection at the Newark City Hall, Engineering Department, 40 West Main Street, Newark, Ohio.
Send comments to The Honorable Frank Stare, Mayor of the City of Newark, 40 West Main Street, Newark, Ohio 43055.

Pennsylvania	Alburtis (Borough), Lehigh County.	Swabia Creek	Approximately 180 feet downstream from the downstream corporate limits.	None	*412
			Upstream corporate limits	None	*439
		Swabia Creek Tributary	At confluence with Swabia Creek	None	*433
			Approximately 275 feet upstream of confluence with Swabia Creek.	None	*435

Maps available for inspection at the Borough Hall, 260 Franklin Street, Alburtis, Pennsylvania.
Send comments to The Honorable Ronald De'laco, Mayor of the Borough of Alburtis, 260 Franklin Street, Alburtis, Pennsylvania 18011.

Pennsylvania	Allentown (City), Lehigh County.	Jordan Creek	At confluence with Little Lehigh Creek	*257	*256
			At upstream corporate limits	*274	*276
		Lehigh River	At downstream corporate limits	*243	*241
			At upstream corporate limits	*267	*265
		Little Lehigh Creek	820 feet downstream Third Street	*250	*249
			Approximately 950 feet upstream of Keystone Road.	*308	*311
		Tributary to Lehigh River ..	At confluence with Lehigh river	*266	*264
			Approximately 1,270 feet upstream side of Dauphin Street.	*267	*266
	Cedar Creek	Confluence with Little Lehigh Creek	*262	*266	
		Just downstream of Mosser Street	*265	*266	

Maps available for inspection at the Engineering Bureau, Room 431, City Hall, 435 Hamilton Street, Allentown, Pennsylvania.
Send comments to The Honorable William Heydt, Mayor of the City of Allentown, 435 Hamilton Street, Room 528, Allentown, Pennsylvania 18101.

Pennsylvania	Bethlehem (City), Lehigh County.	Lehigh River	Approximately 1,637 feet downstream of New Street.	*233	*230
			At upstream corporate limits	*243	*241
		Monocacy Creek	At confluence with Lehigh River	*233	*230
			Approximately 10 feet upstream of West Lehigh Street.	*237	*236

Maps available for inspection at the City Hall, 10 East Church Street, Bethlehem, Pennsylvania.
Send comments to The Honorable Donald J. Cunningham, Jr., 10 East Church Street, Bethlehem, Pennsylvania 18018.

Pennsylvania	Blawnox (Borough), Allegheny County.	Allegheny River	Approximately 2,200 feet downstream of confluence with Sandy Creek.	*740	*741
			Approximately 3,000 feet upstream of confluence of Sandy Creek.	*741	*742

Maps available for inspection at the Blawnox Borough Hall, 376 Freeport Road, Pittsburgh, Pennsylvania.
Send comments to Mr. Westley M. Rohrer, Jr., President of the Borough of Blawnox Council, Blawnox Borough Hall, 376 Freeport Road, Pittsburgh, Pennsylvania 15238.

Pennsylvania	Catasauqua (Borough), Lehigh County.	Lehigh River	Approximately 0.38 mile downstream of Race Street.	*270	*271
			Approximately 0.28 mile upstream of Pine Street.	*280	*281
		Catasauqua Creek	At confluence with Lehigh River	*271	*273
			Just upstream of CONRAIL bridge	*272	*273

Maps available for inspection at the Borough Hall, 118 Bridge Street, Catasauqua, Pennsylvania.
Send comments to Mr. Eugene Goldfeder, Borough Manager, 118 Bridge Street, Catasauqua, Pennsylvania 18032.

Pennsylvania	Coplay (Borough), Lehigh County.	Lehigh River	At downstream corporate limits	None	*288
			At upstream corporate limits	None	*294

Maps available for inspection at the Borough Hall, 98 South Fourth Street, Coplay, Pennsylvania.
Send comments to The Honorable Bill Leiner, Jr., Mayor of the Borough of Coplay, 98 South Fourth Street, Coplay, Pennsylvania 18037.

Pennsylvania	Delaware Water Gap (Borough), Monroe County.	Delaware River	Approximately 1.5 miles downstream of Interstate 80.	*315	*313
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State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 500 feet downstream of confluence with Cherry Creek.	*322	*321

Maps available for inspection at the Delaware Water Gap Borough Office, 49 Main Street, Delaware Water Gap, Pennsylvania.
 Send comments to Mr. Wayne Mac Williams, President of the Delaware Water Gap Borough Council, P.O. Box 218, Delaware Water Gap, Pennsylvania 18327.

Pennsylvania	Fountain Hill (Borough), Lehigh County.	Lehigh River	Downstream corporate limits	*239	*236
			Upstream corporate limits	*239	*236

Maps available for inspection at the Borough Hall, 941 Long Street, Bethlehem, Pennsylvania.
 Send comments to The Honorable Steve Repasch, Mayor of the Borough of Fountain Hill, 941 Long Street, Bethlehem, Pennsylvania 18015.

Pennsylvania	Hanover (Township), Lehigh County.	Lehigh River	Approximately 0.29 mile downstream of U.S. Route 22.	None	*265	
			Approximately 0.66 mile upstream of U.S. Route 22.	None	*270	
			Tributary to Lehigh River ..	Approximately 0.70 mile upstream of confluence with Lehigh River.	None	*292
			Approximately 0.71 mile upstream of confluence with Lehigh River.	None	*293	

Maps available for inspection at the Township Hall, 2202 Grove Road, Allentown, Pennsylvania.
 Send comments to Ms. Sandra Pudliner, Township Manager, 2202 Grove Road, Allentown, Pennsylvania 18103.

Pennsylvania	Lower Macungie (Township), Lehigh County.	Little Lehigh Creek	Approximately 1,400 feet downstream of Riverbend Road.	*309	*312
			At upstream corporate limits (county boundary).	*402	*406
		Swabra Creek	At confluence with Little Lehigh Creek	*346	*351
			Approximately 450 feet downstream of Warmkessel Drive.	*350	*351
		Toad Creek	At confluence with Little Lehigh Creek	*392	*394
			Approximately 160 feet upstream of Ash Lane.	*398	*399
		Tributary to Little Lehigh Creek.	Approximately 200 feet downstream of upstream corporate limits.	None	*382
			At upstream corporate limits	None	*385
Spring Creek No. 1	At confluence with Little Lehigh Creek	*373	*378		
	Approximately 528 feet downstream Private Drive.	*377	*378		

Maps available for inspection at the Township Hall, 3400 Brookside Road, Macungie, Pennsylvania.
 Send comments to Mr. Robert E. Lee, Chairman of the Board of Supervisors, 3400 Brookside Road, Macungie, Pennsylvania 18062.

Pennsylvania	Lower Milford (Township), Lehigh County.	Tributary to Hosensack Creek.	Approximately 0.38 mile downstream of Kings Highway.	None	*487
			Approximately 750 feet upstream of Kings Highway.	None	*509

Maps available for inspection at the Township Hall, 7607 Chestnut Hill Church Road, Coopersburg, Pennsylvania.
 Send comments to Mr. Ted Benson, Chairman of the Lower Milford Township Board of Supervisors, 7607 Chestnut Hill Church Road, Coopersburg, Pennsylvania 18036.

Pennsylvania	North Whitehall (Township), Lehigh County.	Lehigh River	At downstream corporate limits	*303	*304
			Approximately 255 feet downstream of upstream corporate limits.	*351	*350
		Jordan Creek	At downstream corporate limits	*357	*356
			Approximately 500 feet downstream of Kernsville Road.	*360	*359

Maps available for inspection at the Township Hall, Zoning Office, 3256 Levans Road, Coplay, Pennsylvania.
 Send comments to Ms. Janet Talotta, Chairman of the Board of Supervisors, 3256 Levans Road, Coplay, Pennsylvania 18037.

Pennsylvania	Salisbury (Township), Lehigh County.	Lehigh River	Downstream corporate limits	*239	*236
			Upstream corporate limits	*246	*247
		Little Lehigh Creek	Approximately 400 feet upstream of Fish Hatchery Road.	None	*295

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		At upstream corporate limits.	309	*312	
<p>Maps available for inspection at the Township Hall, 2900 South Pike Avenue, Allentown, Pennsylvania. Send comments to Mr. Gabriel Khalife, Township Manager, 2900 South Pike Avenue, Allentown, Pennsylvania 18103.</p>					
Pennsylvania	Slatington (Borough), Lehigh County. Trout Creek No. 2	Lehigh River	At downstream corporate limits	*358	*360
			At upstream corporate limits	*373	*374
		At confluence of Lehigh River.	Approximately 730 feet upstream of confluence with. Lehigh River	*362 *362	*363 *363
<p>Maps available for inspection at the Slatington Borough Office, 125 South Walnut Street, Slatington, Pennsylvania. Send comments to Mr. Clayton E. Snyder, President of Council, 125 South Walnut Street, Slatington, Pennsylvania 18080.</p>					
Pennsylvania	South Whitehall (Township), Lehigh County.	Jordan Creek	At downstream corporate limits	*302	*303
			Approximately 1,700 feet upstream of confluence of Hassen Creek.	*357	*356
<p>Maps available for inspection at the Township Hall, 4444 Walbert Avenue, Allentown, Pennsylvania. Send comments to Mr. Gerald Gazda, Township Manager, 4444 Walbert Avenue, Allentown, Pennsylvania 18104.</p>					
Pennsylvania	Upper Milford (Township), Lehigh County.	Leibert Creek	Approximately 750 feet downstream side of Chestnut Street.	None	*371
			Approximately 650 feet downstream side of Chestnut Street.	None	*372
		Tributary to Little Lehigh Creek.	At corporate limits	None	*385
			Upstream side of Indian Creek Road	None	*392
<p>Maps available for inspection at the Township Hall, 5831 Kings Highway South, Old Zionsville, Pennsylvania. Send comments to Mr. Linden Miller, Township Manager, P.O. Box 210, Old Zionsville, Pennsylvania 18068.</p>					
Pennsylvania	Upper Saucon (Township), Lehigh County.	Saucon Creek	At downstream corporate limits (county boundary).	None	*337
			Approximately 400 feet downstream of Emmaus Road.	None	*501
<p>Maps available for inspection at the Township Municipal Building, 5500 Camp Meeting Road, Center Valley, Pennsylvania. Send comments to Mr. Bernald Rodgers, Upper Saucon Township Manager, Upper Saucon Township Municipal Building, 5500 Camp Meeting Road, Center Valley, Pennsylvania 18034.</p>					
Pennsylvania	Washington (Township), Lehigh County.	Lehigh River	Approximately 300 feet upstream of downstream corporate limits.	*352	*351
			Approximately 0.33 mile upstream of State Route 873.	*387	*388
<p>Maps available for inspection at the Township Hall, 7951 Center Street, Emerald, Pennsylvania. Send comments to Mr. George Beam, Chairman of the Board of Supervisors, P.O. Box 27, Slatedale, Pennsylvania 18079-0027.</p>					
Pennsylvania	Whitehall (Township), Lehigh County.	Lehigh River	Approximately 0.47 mile downstream of Lehigh Valley Thruway (U.S. Route 22 & I-78).	*264	*265
			Approximately 300 feet upstream of confluence with Spring Creek.	*302	*304
		Jordan Creek	Approximately 0.5 mile downstream of North 4th Street.	*264	*265
			Approximately 0.9 mile upstream of Mauch Chunk Road.	*310	*311
<p>Maps available for inspection at the Township Hall, 3219 MacArthur Road, Whitehall, Pennsylvania. Send comments to Mr. Glenn Solt, Township Executive, 3219 MacArthur Road, Whitehall, Pennsylvania 18052.</p>					
Tennessee	Dyer County (Unincorporated Areas).	Obion River	Approximately 75 feet downstream of the Tennessee Kentucky Railroad.	None	*270
			Approximately 2.81 miles upstream of State Route 78.	None	*279

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Jones Creek	Approximately 1,400 feet upstream of the confluence of Light Creek. Approximately 1.4 miles upstream of the confluence of Light Creek.	*286 *291	*287 *289

Maps available for inspection at the Dyer County Courthouse, Building Inspector's Office, #1 Veteran's Square, Dyersburg, Tennessee.
Send comments to Mr. James O. McCord, Dyer County Chief Executive Officer, P.O. Box 1360, Dyersburg, Tennessee 38025-1360.

Tennessee	Greeneville (Town), Greene County.	Frank Creek	Approximately 375 feet downstream of Tusculum Boulevard.	None	*1,424
			Approximately 750 feet upstream of Viking View Estates Road.	None	*1,458
		Tributary to Richland Creek.	Approximately 1,550 feet downstream of East McKee Street.	None	*1,431
			Approximately 2,150 feet upstream of East Church Street.	None	*1,486

Maps available for inspection at the Greeneville Town Hall, 200 North College Street, Greeneville, Tennessee.
Send comments to The Honorable G. Thomas Love, Mayor of the Town of Greeneville, 200 North College Street, Greeneville, Tennessee 37745.

Tennessee	Sweetwater (City), Monroe County.	Sweetwater Creek	Approximately 0.33 mile downstream of Southern Railway.	None	*903
			Approximately 200 feet downstream of State Route 68.	None	*917

Maps available for inspection at the Sweetwater City Hall, 203 Monroe Street, Sweetwater, Tennessee.
Send comments to The Honorable Billy R. Ridenour, Mayor of the City of Sweetwater, P.O. Box 267, Sweetwater, Tennessee 37874.

Vermont	Bellows Falls (Village), Windham County.	Connecticut River	A point approximately 600 feet upstream of Bellows Falls Dam.	*295	*296
			A point approximately 0.78 mile upstream of Bellows Falls Dam.	*296	*300

Maps available for inspection at the Rockingham Town Hall, Clerk's Office, Village Square, Rockingham, Vermont.
Send comments to Ms. Roberta Smith, Manager of the Village of Bellows Falls and Town of Rockingham, P.O. Box 370, Bellows Falls, Vermont 05101.

Vermont	Rockingham (Town), Windham County.	Connecticut River	A point approximately 0.78 mile upstream of Bellows Falls Dam.	*296	*300
			A point approximately 1.34 miles upstream of the confluence of Commissary Brook.	*301	*306
		Williams River	At the confluence with the Connecticut River.	*297	*302
			A point approximately 80 feet upstream of U.S. Route 5.	*301	*302

Maps available for inspection at the Rockingham Town Hall, Clerk's Office, Village Square, Rockingham, Vermont.
Send comments to Ms. Roberta Smith, Manager of the Village of Bellows Falls and Town of Rockingham, P.O. Box 370, Bellows Falls, Vermont 05101.

West Virginia	Jackson County (Unincorporated Areas).	Mill Creek	Just downstream of State Highway 87	None	*589
			Just downstream of County Highway 21 ..	None	*599

Maps available for inspection at the Jackson County Courthouse, Main Street, Ripley, West Virginia.
Send comments to Mr. Dick Casto, President of the Jackson County Commission, Jackson County Courthouse, P.O. Box 800, Ripley, West Virginia 25271.

West Virginia	Ripley (City), Jackson County.	Mill Creek	Approximately 450 feet downstream of U.S. Route 33.	*594	*593
			At confluence of Sycamore Creek	*597	*596
			At downstream corporate limits	*601	*599

Maps available for inspection at the Ripley Municipal Building, 113 South Church Street, Ripley, West Virginia.
Send comments to The Honorable Ollie M. Harvey, Mayor of the City of Ripley, Municipal Building, 113 South Church Street, Ripley, West Virginia 25271.

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

Dated: January 31, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00-3523 Filed 2-14-00; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket 00-1; DA 00-12]

Amendment of List of Major Television Markets and Their Designated Communities

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document requests comment on a proposal to amend the Commission's rules which list the major television markets and their designated communities by adding the communities of Merced and Porterville, California to the hyphenated market of Fresno-Visalia-Hanford-Clovis, California (the "Fresno-Visalia market"). A joint petition was filed on March 16, 1988 and at least one of the petitioners has expressed continued interest in the Commission acting on this petition. The joint petitioners seek to add Merced and Porterville to the Fresno-Visalia market apparently to be able to assert network non-duplication rights and syndicated programming exclusivity on a hyphenated market basis. The requested action would also permit the acquisition of broadcast territorial exclusivity rights against television stations operating in Merced and in Porterville. In a related proceeding, Capital Cities/ABC, Inc. ("CC/ABC"), licensee of television station KFSN, Fresno, California, filed a request for amendment or waiver of § 76.51 of the Commission's rules to add the community of Merced to the Fresno-Visalia market. We address both petitions in this proceeding.

DATES: Comments are due on or before February 7, 2000 and reply comments are due on or before February 22, 2000.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of documents in Rulemaking Proceedings*, 63 FR 24, 121 (Friday, January 2, 1998). Comments filed through the ECFS can be sent as an

electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>.

Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail addresses.>" A sample form and directions will be sent in reply.

FOR FURTHER INFORMATION CONTACT:

Carolyn Fleming at (202) 418-7200 or via Internet at cfleming@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, DA 00-12, CS Docket No. 00-1, adopted January 4, 2000 and released January 7, 2000 ("Notice"). The full text of this Notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW, Washington, DC 20554, or may be purchased from the Commission's copy contractor, International Transcription Service ("ITS"), (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036, or may be reviewed via Internet at http://www.fcc.gov/Bureaus/Cable/News_Releases/2000/nrcb8022.html. For copies in alternative formats, such as Braille, audio cassette or large print, please contact Sheila Ray at ITS. This proceeding will be treated as a "permit-but-disclose" proceeding subject to the "permit-but-disclose" requirements under § 1.1206(b) of the Commission's rules. (47 CFR 1.1206(b), as revised). Ex parte presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, ex parte or otherwise, are generally prohibited. Persons making oral ex parte presentations are reminded that a memorandum summarizing a presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. (See 47 CFR 1.206(b)(2), as revised.) Additional rules pertaining to oral and written presentations are set forth in 47 CFR 1.1206(b).

Synopsis of Notice of Proposed Rule Making

Introductory Background

1. In this proceeding, we respond to a petition for rulemaking filed by Pappas Telecasting Incorporated ("Pappas"), licensee of television station KMPH(TV), Visalia, California, Retlaw Enterprises, Inc. ("Retlaw"), licensee of television station KJEO(TV), Fresno, California, and San Joaquin Communications Corp. ("San Joaquin"), licensee of television station KSEE(TV), Fresno, California, (collectively, the "Joint Petitioners") to amend § 76.51 of the Commission's rules to add the communities of Merced and Porterville to the "Fresno-Visalia" market. (See 47 CFR 76.51). In a related proceeding, Capital Cities/ABC, Inc. ("CC/ABC"), licensee of television station KFSN, Fresno, California, filed a request for amendment or waiver of § 76.51 of the Commission's rules to add the community of Merced to the Fresno-Visalia market. In this proceeding, we also address CC/ABC's petition and consider it a request for amendment of the applicable rules as it raises the same issue raised by the Joint Petitioners with regard to the community of Merced. At the time the petition was filed, there were applications on file with the Commission to commence television service in the communities of Merced and Porterville. Subsequent to the filing of the joint petition, television station KNSO, Channel 51, was licensed to Merced and television station KPXF, Channel 61, was licensed to Porterville.

2. Section 76.51 of the Commission's Rules enumerates the top 100 television markets and the designated communities within those markets. Among other things, this market list is used to determine territorial exclusivity rights under § 73.658(m) and helps define the scope of compulsory copyright license liability for cable operators. (See 47 CFR 73.658) Certain cable television syndicated exclusivity and network non-duplication rights are also determined by the presence of broadcast station communities of license on this list. Some markets consist of more than one named community (a "hyphenated market"). Such "hyphenation" of a market is based on the premise that stations licensed to any of the named communities in the hyphenated market do, in fact, compete with all stations licensed to such communities. (See *CATV-Non-Network Agreements*, 46 FCC 2d 892, 898 (1974). Market hyphenation "helps equalize competition" where portions of the market are located beyond the Grade B