

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

Dated: March 21, 2011.

Sandra K. Knight,

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

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

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Docket ID FEMA-2011-0002

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

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

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

DATES: Comments are to be submitted on or before July 5, 2011.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-1179, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) luis.rodriguez1@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.rodriguez1@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	
Larimer County, Colorado, and Incorporated Areas				
Boxelder Creek Overflow Downstream.	Approximately 914 feet downstream of Highway 14 ...	+4935	+4935	Unincorporated Areas of Larimer 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	
Boxelder Creek Overflow West.	Approximately 0.6 mile upstream of Highway 14	+4949	+4947	Unincorporated Areas of Larimer County.
	Approximately 235 feet downstream of I-25 Frontage Road.	+4927	+4928	
	Approximately 185 feet downstream of Mulberry Street.	None	+4933	
Business Park Denrose	Approximately 135 feet upstream of Denrose Court ...	+4933	+4932	Unincorporated Areas of Larimer County.
Business Park Middle	Approximately 360 feet upstream of Denrose Court ...	+4933	+4934	Unincorporated Areas of Larimer County.
	Approximately 550 feet downstream of Denrose Court	+4929	+4930	
Business Park South	Approximately 75 feet downstream of Denrose Court	+4933	+4931	Unincorporated Areas of Larimer County.
	Approximately 140 feet downstream of Denrose Court	+4933	+4931	
Business Park West	At the downstream side of Denrose Court	+4933	+4934	Unincorporated Areas of Larimer County.
	Approximately 260 feet downstream of Denrose Court	+4929	+4930	
Cache La Poudre L Path	At the upstream side of Denrose Court	+4933	+4932	City of Fort Collins, Unincorporated Areas of Larimer County.
	Approximately 350 feet downstream of Prospect Road	+4890	+4886	
Cache La Poudre Lowflow Channel.	Approximately 440 feet downstream of Timberline Road.	+4912	+4910	City of Fort Collins.
	Approximately 450 feet downstream of County Road 9.	+4881	+4882	
	Approximately 300 feet downstream of County Road 9.	+4882	+4883	
Cache La Poudre River	Approximately 800 feet downstream of County Road 9.	+4882	+4883	City of Fort Collins.
Shields Street Divided Flow Path—Windtrail Swale (backwater effects from Spring Creek).	Approximately 680 feet downstream of Prospect Road	+4897	+4898	City of Fort Collins.
	From the Spring Creek confluence to approximately 600 feet upstream of the Spring Creek confluence.	+5001	+5000	
Shields Street Overflow	Approximately 190 feet downstream of Hill Pond Road.	+5019	+5020	City of Fort Collins.
Spring Canyon Park Diversion.	Approximately 360 feet upstream of Hill Pond Road ...	+5025	+5024	City of Fort Collins.
	At the upstream side of Spring Canyon Park Weir	+5114	+5122	
Spring Creek	Approximately 1,450 feet upstream of Spring Canyon Park Weir.	+5124	+5125	City of Fort Collins, Unincorporated Areas of Larimer County.
	Approximately 970 feet downstream of Prospect Road	+4906	+4904	
	Approximately 0.7 mile upstream of Spring Canyon Park Pedestrian Trail.	+5168	+5167	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

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

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

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

ADDRESSES

City of Fort Collins

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

Unincorporated Areas of Larimer County

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

Washtenaw County, Michigan (All Jurisdictions)

Huron River	Approximately 620 feet downstream of the railroad	None	+718	Township of Superior.
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		Effective	Modified	
	Approximately 630 feet upstream of Superior Road ...	None	+719	

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ADDRESSES

Township of Superior

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

Bennington County, Vermont (All Jurisdictions)

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

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ADDRESSES

Town of Arlington

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

Town of Bennington

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

Town of Manchester

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

Town of Pownal

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

Town of Shaftsbury

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

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Town of Sunderland

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

Town of Winhall

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

Village of Manchester

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

Village of North Bennington

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

Lewis County, Washington, and Incorporated Areas

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

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		Effective	Modified	

ADDRESSES

City of Centralia

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

City of Chehalis

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

Unincorporated Areas of Lewis County

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

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

Dated: March 7, 2011.

Sandra K. Knight,

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

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

BILLING CODE 9110-12-P

FEDERAL MARITIME COMMISSION**46 CFR Part 502**

[Docket No. 11-05]

RIN 3072-AC43

Rules of Practice and Procedure

AGENCY: Federal Maritime Commission.

ACTION: Advance notice of proposed rulemaking.

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

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

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

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

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

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

A. Modernization and Efficiency Enhancement

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

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

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

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