

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	
				Existing	Modified
Virginia .....	Stafford County .....	Accokeek Creek .....	Approximately 0.66 mile downstream of State Route 609.	None	•12
			Approximately 350 feet upstream of State Route 628.	None	•189
		Aquia Creek .....	Approximately 0.79 mile downstream of Aquia Drive.	•7	•8
			Approximately 930 feet upstream of Tacketts Mill Road.	None	•281
		Austin Run .....	Approximately 0.63 mile upstream of the confluence with Aquia Creek.	None	•7
			Approximately 285 feet upstream of Winding Creek Road (State Route 628).	None	•258
		Claiborne Run .....	At the upstream side of Kings Highway (State Route 3).	•39	•41
			Approximately 0.56 mile upstream of U.S. Route 1.	None	•168
		England Run .....	Approximately 185 feet upstream of the confluence with Rappahannock River.	None	•59
			Approximately 1.0 mile upstream of State Route 670.	None	•225
		Falls Run .....	Approximately 1,000 feet upstream of U.S. Route 17.	•41	•40
			Approximately 1.06 miles upstream of Cardinal Forest Drive.	None	•345
		Little Falls Run .....	Approximately 1,280 feet upstream of Kings Highway.	•33	•32
			Approximately 0.52 mile upstream of State Route 218.	None	•142
		Tributary 2 to Austin Run	At the confluence with Tributary 3 to Austin Run.	None	•54
			Approximately 225 feet upstream of Rockdale Road (State Route 617).	None	•149
		Tributary 3 to Austin Run	At the confluence with Austin Run .....	•29	•31
			Approximately 800 feet upstream of the confluence of Austin Run Tributary 2.	None	•54
		Whitsons Run (previously known as Tributary 1 to Austin Run).	At the confluence with Austin Run .....	None	•56
			Approximately 0.65 mile upstream of Eustace Road (State Route 751).	None	•253

Maps available for inspection at the Stafford County Administration Center, Department of Code Administration, 1300 Courthouse Road, Stafford, Virginia.

Send comments to Mr. Robert Crosby, Stafford County Administrator, P.O. Box 339, Stafford, Virginia 22555-0339.

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

Dated: April 7, 2004.

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*

[FR Doc. 04-9216 Filed 4-22-04; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-D-7588]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the

proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs 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 BFEs 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 table below.

**FOR FURTHER INFORMATION CONTACT:**

Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** 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 base flood 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 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 Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to establish and maintain community eligibility in the NFIP. 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:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
VIRGINIA Albemarle County				
Cow Branch .....	At the confluence with Moores Creek .....	None	•333	Albemarle County (Unincorporated Areas).
Flat Branch .....	Approximately 285 feet upstream of Mill Creek Drive ...	None	•439	Albemarle County (Unincorporated Areas).
	At the confluence with North Fork Rivanna River .....	None	•386	
Flat Branch Tributary .....	Approximately 4,890 feet upstream of the confluence with Flat Branch Tributary.	None	•441	Albemarle County (Unincorporated Areas).
	At the confluence with Flat Branch .....	None	•386	
Herring Branch .....	Approximately 2,490 feet upstream of Lewis & Clark Drive.	None	•442	Albemarle County (Unincorporated Areas).
	At the confluence with North Fork Rivanna River .....	None	•389	
Jacobs Run .....	Approximately 2,530 feet upstream of private drive .....	None	•443	Albemarle County (Unincorporated Areas).
	At the confluence with North Fork Rivanna River .....	None	•396	
Lickinghole Creek .....	At the Chris Green Lake Dam .....	None	•396	Albemarle County (Unincorporated Areas).
	Approximately 70 feet downstream of railroad bridge ...	•500	•501	
North Fork Rivanna River ..	Approximately 150 feet upstream of Jarmans Gap Road.	None	•902	Albemarle County (Unincorporated Areas).
	At the confluence with Rivanna River .....	•352	•356	
Powells Creek .....	Approximately 1,375 feet upstream of Dickerson Road	None	•398	Albemarle County (Unincorporated Areas).
	At the confluence with Lickinghole Creek .....	None	•623	
Rivanna River .....	Approximately 320 feet upstream of Railroad Avenue ..	None	•786	Albemarle County (Unincorporated Areas), Independent City of Charlottesville.
	At the County boundary .....	None	•287	

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Slabtown Branch .....	At the confluence with North Fork Rivanna River .....	•352	•356	Albemarle County (Unincorporated Areas).
	At the confluence with Lickinghole Creek .....	None	•600	
Moores Creek .....	Approximately 3,000 feet upstream of State Route 684	None	•766	Albemarle County (Unincorporated Areas), Independent City of Charlottesville.
	At the confluence with Rivanna River .....	•324	•329	
Meadow Creek .....	Approximately 1,300 feet downstream of State Route 20.	•331	•330	Albemarle County (Unincorporated Areas), Independent City of upstream of Charlottesville.
	At the confluence with Rivanna River .....	•343	•345	
South Fork Rivanna River ..	Approximately 100 feet upstream of Rio Road .....	None	•358	Albemarle County (Unincorporated Areas).
	At the confluence with Rivanna River .....	•351	•356	
	Approximately 630 feet upstream of the confluence of Powells Creek.	•357	•358	

**Albemarle County (Unincorporated Areas)**

Maps available for inspection at the Albemarle County Engineering Office, 401 McIntire Road, Charlottesville, Virginia.

Send comments to Mr. Robert W. Tucker, Jr., Albemarle County Executive, Albemarle County Building, 401 McIntire Road, Charlottesville, Virginia 22902.

**Independent City of Charlottesville**

Maps available for inspection at the Charlottesville City Hall, Neighborhood Development Services, 4th Street, NW., Charlottesville, Virginia.

Send comments to The Honorable Maurice Cox, Mayor of the Independent City of Charlottesville, P.O. Box 911, Charlottesville, Virginia 22902.

**VIRGINIA****Roanoke County (Unincorporated Areas)**

Peters Creek Tributary A ...	At the confluence with Peters Creek .....	*1,103	*1,106	Roanoke County (Unincorporated Areas).
Peters Creek .....	Approximately 160 feet upstream of Timberview Road	None	*1,120	City of Roanoke, Roanoke County (Unincorporated Areas)
	Approximately 1,150 feet upstream of the confluence with Roanoke River.	*969	*968	
Peters Creek Tributary B ...	At the confluence of Peters Creek Tributaries A and B	*1,103	*1,106	Roanoke County (Unincorporated Areas)
	At the confluence with Peters Creek .....	*1,103	*1,106	
Peters Creek Tributary C ...	Approximately 2,000 feet upstream of the confluence with Peters Creek.	*1,124	*1,127	City of Roanoke, Roanoke County (Unincorporated Areas).
	Approximately 20 feet upstream of the confluence with Peters Creek.	*1,027	*1,028	
	Approximately 1,100 feet upstream of Embassy Drive	None	*1,088	

**Roanoke County (Unincorporated Areas)**

Maps available for inspection at the Roanoke County Engineering Office, 5204 Bernard Drive, SW., Roanoke, Virginia.

Send comments to Mr. Elmer C. Hodge, Roanoke County Administrator, P.O. Box 29800, Roanoke, Virginia 24018.

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

Dated: April 7, 2004.

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*

[FR Doc. 04-9217 Filed 4-22-04; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-D-7590]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs 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).

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		Existing	Modified	
KENTUCKY				
Boyd County				
Ohio River .....	Approximately 0.8 mile upstream of the downstream county boundary.	*547	*546	City of Ashland, City of Catlettsburg, Body County (Unincorporated Areas)
	At upstream county boundary .....	*550	*549	
Keys Creek .....	From the confluence with Ohio River .....	*550	*549	City of Ashland, Boyd County (Unincorporated Areas)
	Just upstream of Catlett Creek Road .....	*550	*549	