

Dated: June 4, 2010.

**Gina McCarthy,**

*Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 2010-13877 Filed 6-8-10; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1098]

#### 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 September 7, 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-1098, 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	
Woodbury County, Iowa, and Incorporated Areas				
Little Sioux River .....	Approximately 1,850 feet downstream of the City of Anthon corporate limits.	None	+1,100	Unincorporated Areas of Woodbury County.
	Approximately 1,900 feet upstream of the City of Anthon corporate limits	None	+1,105	

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	
Missouri River .....	Approximately 900 feet upstream of the Monona County boundary.	+1,066	+1,064	City of Sioux City, Unincorporated Areas of Woodbury County, Winnebago Indian Tribe.
	Approximately 500 feet downstream of the Dakota County boundary.	None	+1,090	
Perry Creek .....	Approximately 150 feet upstream of 6th Street .....	+1,111	+1,108	City of Sioux City.
	Approximately 225 feet upstream of Country Club Boulevard.	+1,145	+1,144	

\* 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

##### City of Sioux City

Maps are available for inspection at 405 6th Street, Sioux City, IA 51101.

##### Unincorporated Areas of Woodbury County

Maps are available for inspection at 620 Douglas Street, 6th Floor, Sioux City, IA 51101.

##### Winnebago Indian Tribe

Maps are available for inspection at 100 Bluff Street, Winnebago, NE 68071.

#### Wyandotte County, Kansas, and Incorporated Areas

Marshall Creek .....	At the confluence with Wyandotte County Lake .....	None	+833	City of Kansas City.
	Approximately 80 feet downstream of North 99th Street.	None	+928	
Marshall Creek Tributary .....	At the confluence with Marshall Creek .....	None	+842	City of Kansas City.
	Approximately 2,000 feet upstream of Parallel Avenue	None	+916	
Missouri River .....	Approximately 3,500 feet downstream of the Fairfax Bridge.	+758	+756	City of Kansas City.
	Just upstream of I-635 .....	+759	+758	
	At the confluence with Connor Creek .....	+765	+764	City of Bonner Springs.
Spring Creek .....	Approximately 700 feet upstream of 2nd Street .....	+785	+787	
	Just upstream of Lakewood Drive .....	+856	+857	City of Bonner Springs.
Wolf Creek .....	Approximately 1,500 feet downstream of Woodend Road.	+778	+777	
	Approximately 3,100 feet upstream of Kump Avenue	+792	+794	

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#### ADDRESSES

##### City of Bonner Springs

Maps are available for inspection at 205 East 2nd Street, Bonner Springs, KS 66012.

##### City of Kansas City

Maps are available for inspection at 701 North 7th Street, City Hall, Kansas City, KS 66101.

#### Grayson County, Kentucky, and Incorporated Areas

Ashcraft Branch (Backwater effects from Rough River Lake).	From the confluence with Rough River Lake to approximately 1,525 feet upstream of the confluence with Rough River Lake.	None	+524	Unincorporated Areas of Grayson County.
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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	
Big Run Branch (Backwater effects from Rough River Lake).	From the confluence with Rough River Lake to approximately 1,805 feet downstream of the confluence with Big Run Branch Tributary 7.	None	+524	Unincorporated Areas of Grayson County.
Browns Creek (Backwater effects from Rough River).	From the confluence with the Rough River to approximately 0.4 mile downstream of Olaton Road.	None	+427	Unincorporated Areas of Grayson County.
Buck Creek (Backwater effects from Caney Creek).	From the confluence with Caney Creek to approximately 675 feet upstream of the confluence with Buck Creek.	None	+467	Unincorporated Areas of Grayson County.
Caney Fork .....	At the confluence with North Fork .....	None	+427	City of Caneyville.
	Approximately 875 downstream of North Main Street	None	+471	Unincorporated Areas of Grayson County.
Cave Creek (Backwater effects from Rough River Lake).	From the confluence with Rough River Lake to approximately 0.6 mile upstream of the confluence with Cave Creek.	None	+524	Unincorporated Areas of Grayson County.
Conoloway Creek (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 1,510 feet upstream of Huffman Road.	None	+560	Unincorporated Areas of Grayson County.
Diamond Branch (Backwater effects from Rough River).	From the confluence with the Rough River to approximately 0.8 mile upstream of the confluence with the Rough River.	None	+439	Unincorporated Areas of Grayson County.
Grindstone Fork (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 1.6 mile upstream of the confluence with Nolin Lake.	None	+560	Unincorporated Areas of Grayson County.
Hunting Fork (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 0.5 mile upstream of Iberia Road.	None	+560	Unincorporated Areas of Grayson County.
Jarrett Fork (Backwater effects from Caney Creek).	From the confluence with Caney Creek to approximately 895 feet downstream of Walnut Grove Road.	None	+467	Unincorporated Areas of Grayson County.
Laurel Branch (Backwater effects from Rough River Lake).	From the confluence with the Rough River Lake to approximately 370 feet upstream of Clifty Church Drive.	None	+524	Unincorporated Areas of Grayson County.
Little Clifty Creek (Backwater effects from Rough River Lake).	From the confluence with the Rough River Lake to approximately 1,220 feet upstream of the confluence with Little Clifty Creek Tributary 12.	None	+524	Unincorporated Areas of Grayson County.
Little Short Creek (Backwater effects from Rough River).	From the confluence with the Rough River to approximately 200 feet upstream of Lone Hill Road.	None	+438	Unincorporated Areas of Grayson County.
Long Spring Branch (Backwater effects from Rough River).	From the confluence with the Rough River to approximately 0.6 mile upstream of the confluence with the Rough River.	None	+430	Unincorporated Areas of Grayson County.
Mistaken Creek (Backwater effects from Rough River).	From the confluence with the Rough River to approximately 5.0 miles upstream of Olaton Road.	None	+433	Unincorporated Areas of Grayson County.
Nolin Lake .....	Entire shoreline .....	None	+560	Unincorporated Areas of Grayson County.
Nolin River (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 0.7 mile upstream of the confluence with Nolin Lake.	None	+560	Unincorporated Areas of Grayson County.
North Fork .....	Approximately 1,000 feet upstream of the confluence with South Fork.	None	+472	City of Caneyville, Unincorporated Areas of Grayson County.
Person Branch (Backwater effects from Nolin Lake).	Approximately at the confluence with Caney Creek ....	None	+472	
	From the confluence with Nolin Lake to approximately 1.2 mile upstream of the confluence with Nolin Lake.	None	+560	Unincorporated Areas of Grayson County.
Peter Cave Creek (Backwater effects from Rough River Lake).	From the confluence with Rough River Lake to approximately 0.5 mile upstream of the confluence with Rough River Lake.	None	+524	Unincorporated Areas of Grayson County.
Pleasant Run (Backwater effects from Rough River).	From the confluence with the Rough River to approximately 1.6 mile upstream of the confluence with the Rough River.	None	+445	Unincorporated Areas of Grayson County.
Rock Creek (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 500 feet upstream of Horntown Road.	None	+560	Unincorporated Areas of Grayson County.
Rock Creek Tributary 14 (Backwater effects from Nolin Lake).	From the confluence with Rock Creek to approximately 0.6 mile upstream of the confluence with Rock Creek.	None	+560	Unincorporated Areas of Grayson County.
Rock Creek Tributary 15 (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to just downstream of Left Fork of Rock Creek Road.	None	+560	Unincorporated Areas of Grayson County.
Rough River .....	At the confluence with Browns Creek .....	None	+427	Unincorporated Areas of Grayson County.

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Rough River Lake .....	Just downstream of Green Farms Road .....	None	+446	Unincorporated Areas of Grayson County.
	Entire shoreline .....	None	+524	
Short Creek (Backwater effects from Spring Fork).	From the confluence with Spring Fork to approximately 0.7 mile upstream of the confluence with Spring Fork.	None	+438	Unincorporated Areas of Grayson County.
South Barton Run (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 1.0 mile upstream of the confluence with Nolin Lake.	None	+560	Unincorporated Areas of Grayson County.
South Fork (Backwater effects from North Fork).	From the confluence with North Fork to approximately 925 feet upstream of the confluence with North Fork.	None	+472	Unincorporated Areas of Grayson County, City of Caneyville.
Spring Fork (Backwater effects from Rough River).	From the confluence with the Rough River to just upstream of Owensboro Road.	None	+438	Unincorporated Areas of Grayson County.
Stones Hollow (Backwater effects from Rough River Lake).	From the confluence with Rough River Lake to approximately 0.4 mile upstream of the confluence with Rough River Lake.	None	+524	Unincorporated Areas of Grayson County.
Walter Creek (Backwater effects from Rough River Lake).	From the confluence with the Rough River Lake to approximately 1,010 feet downstream of Duff Road.	None	+524	Unincorporated Areas of Grayson County.
West Cane Run (Backwater effects from Caney Creek).	From the confluence with Caney Creek to approximately 1,900 feet upstream of the confluence with Caney Creek.	None	+466	Unincorporated Areas of Grayson County.
Wildcat Hollow (Backwater effects from Rough River Lake).	From the confluence with Rough River Lake to approximately 1,680 feet upstream of the confluence with Rough River Lake.	None	+524	Unincorporated Areas of Grayson County.

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+ North American Vertical Datum.

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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 Caneyville

Maps are available for inspection at City Hall, 104 North Main Street, Caneyville, KY 42721.

##### Unincorporated Areas of Grayson County

Maps are available for inspection at the Grayson County Judicial Building, Leitchfield, KY 42754.

#### Baltimore County, Maryland, and Incorporated Areas

Gwynns Falls .....	Just downstream of the confluence with Red Run .....	+440	+441	Unincorporated Areas of Baltimore County.
	Approximately 1,300 feet downstream of Painters Mill Road.	+444	+446	
Roland Run .....	Approximately 1,166 feet upstream of Joppa Road ....	+260	+261	Unincorporated Areas of Baltimore County.
	Approximately 810 feet downstream of Essex Farm Road.	+261	+262	

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#### ADDRESSES

##### Unincorporated Areas of Baltimore County

Maps are available for inspection at the Baltimore County Office Building, 111 West Chesapeake Avenue, Suite 307, Towson, MD 21204.

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	
Marshall County, Mississippi, and Incorporated Areas				
Byhalia Creek .....	Approximately 200 feet downstream of the U.S. Route 178 Bridge.	None	+332	Town of Byhalia.
	Approximately 900 feet upstream of the Railroad Bridge.	None	+334	

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#### ADDRESSES

##### Town of Byhalia

Maps are available for inspection at 161 Highway 309 South, Byhalia, MS 38611.

<b>Simpson County, Mississippi, and Incorporated Areas</b>				
Pearl River .....	Approximately 1.2 mile downstream of the U.S. Route 28 Bridge.	None	+229	Unincorporated Areas of Simpson County.
	Approximately 1.0 mile upstream of the U.S. Route 28 Bridge.	None	+233	

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#### ADDRESSES

##### Unincorporated Areas of Simpson County

Maps are available for inspection at 100 Court Street, Room 2, Mendenhall, MS 39114.

<b>Warren County, New Jersey (All Jurisdictions)</b>				
Buckhorn Creek .....	At the confluence with the Delaware River .....	+224	+226	Township of Harmony.
	Approximately 850 feet upstream of the Hutchinson Station Road Bridge.	+225	+226	
Delaware River .....	Approximately 150 feet upstream of the Riegelsville Bridge.	+160	+161	Town of Belvidere, Town of Phillipsburg, Township of Hardwick, Township of Harmony, Township of Knowlton, Township of Lopatcong, Township of Pohatcong, Township of White.
Lopatcong Creek .....	At the Sussex County boundary .....	None	+352	Town of Phillipsburg.
	At the confluence with the Delaware River .....	+188	+186	
	Approximately 450 feet upstream of Waste Water Treatment Facility Driveway.	+188	+186	
Pequest River .....	At the confluence with the Delaware River .....	+254	+256	Town of Belvidere.
	Approximately 100 feet downstream of the Orchard Street Bridge.	+280	+284	

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		Effective	Modified	

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#### ADDRESSES

##### Town of Belvidere

Maps are available for inspection at 691 Water Street, Belvidere Town Municipal Building, Belvidere, NJ 07823.

##### Town of Phillipsburg

Maps are available for inspection at 675 Corliss Avenue, Phillipsburg Town Municipal Building, Phillipsburg, NJ 08865.

##### Township of Hardwick

Maps are available for inspection at 40 Spring Valley Road, Hardwick Township Municipal Building, Hardwick, NJ 07825.

##### Township of Harmony

Maps are available for inspection at 3003 Belvidere Road, Harmony Township Municipal Building, Phillipsburg, NJ 08865.

##### Township of Knowlton

Maps are available for inspection at 628 Route 94, Knowlton Township Municipal Building, Columbia, NJ 07832.

##### Township of Lopatcong

Maps are available for inspection at 232 South 3rd Street, Lopatcong Township Municipal Building, Phillipsburg, NJ 08865.

##### Township of Pohatcong

Maps are available for inspection at 50 Municipal Drive, Pohatcong Township Municipal Building, Phillipsburg, NJ 08865.

##### Township of White

Maps are available for inspection at 555 County Road 519, White Township Municipal Building, Belvidere, NJ 07823.

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

Charlotte Creek .....	At the confluence with the Susquehanna River .....	+1,101	+1,102	Town of Oneonta.
	Approximately 1,000 feet upstream of the confluence with the Susquehanna River.	+1,101	+1,102	
Glenwood Creek .....	At the confluence with the Susquehanna River .....	+1,082	+1,085	City of Oneonta, Town of Oneonta.
	Approximately 40 feet downstream of I-88 .....	+1,084	+1,085	
Mill Race .....	At the confluence with the Susquehanna River .....	+1,079	+1,078	City of Oneonta.
	Approximately 450 feet upstream of River Street .....	+1,079	+1,078	
Otsdawa Creek .....	At the confluence with the Susquehanna River .....	+1,055	+1,056	Town of Otego, Village of Otego.
	Approximately 870 feet upstream of Main Street .....	+1,055	+1,056	
Otsego Lake .....	Entire shoreline .....	None	+1,193	Town of Middlefield, Town of Otsego, Town of Springfield.
	Approximately 1,325 feet downstream of State Highway 8.	+985	+987	Town of Milford, City of Oneonta, Town of Oneonta, Town of Otego, Town of Unadilla, Village of Otego, Village of Unadilla.
	Approximately 3,840 feet upstream of State Highway 28.	None	+1,123	
Unadilla River .....	At the confluence with the Susquehanna River .....	+985	+987	Town of Butternuts, Town of Morris, Town of Pittsfield, Town of Unadilla, Village of Unadilla.
	Approximately 1.7 mile upstream of State Highway 80	None	+1,101	

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#### ADDRESSES

##### City of Oneonta

Maps are available for inspection at 258 Main Street, Oneonta City Hall, Oneonta, NY 13820.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

**Town of Butternuts**

Maps are available for inspection at 3 Vale Street, Butternuts Town Hall, Gilbertsville, NY 13776.

**Town of Middlefield**

Maps are available for inspection at 2209 County Highway 33, Middlefield Town Hall, Cooperstown, NY 13326.

**Town of Milford**

Maps are available for inspection at 2859 State Route 28, Milford Town Hall, Milford, NY 13834.

**Town of Morris**

Maps are available for inspection at 93 Main Street, Morris Town Hall, Morris, NY 13808.

**Town of Oneonta**

Maps are available for inspection at 3966 State Highway 12, Oneonta Town Hall, West Oneonta, NY 13861.

**Town of Otego**

Maps are available for inspection at 3526 State Highway 7, Otego Town Hall, Otego, NY 13825.

**Town of Otsego**

Maps are available for inspection at 811 County Highway 26, Otsego Town Hall, Fly Creek, NY 13337.

**Town of Pittsfield**

Maps are available for inspection at 366 State Highway 80, Pittsfield Town Hall, New Berlin, NY 13411.

**Town of Springfield**

Maps are available for inspection at 8104 State Highway 80, Springfield Town Hall, Springfield Center, NY 13468.

**Town of Unadilla**

Maps are available for inspection at 1648 State Highway 7, Unadilla Town Hall, Unadilla, NY 13849.

**Village of Otego**

Maps are available for inspection at 4 River Street, Otego Village Hall, Otego, NY 13825.

**Village of Unadilla**

Maps are available for inspection at 193 Main Street, Unadilla Village Hall, Unadilla, NY 13849.

**Stark County, Ohio, and Incorporated Areas**

Broad-Monter Creek .....	At the upstream side of Ravenna Avenue .....	None	+1,110	Unincorporated Areas of Stark County.
	Approximately 650 feet upstream of Ravenna Avenue	None	+1,110	
	Approximately 320 feet downstream of Meese Road ..	None	+1,157	
	At the downstream side of Meese Road .....	None	+1,161	
Chatham Ditch .....	Approximately 900 feet upstream of 7th Street .....	None	+1,100	City of North Canton.
	Approximately 950 feet downstream of Holl Road .....	None	+1,121	
Clays Ditch .....	Approximately 1,300 feet upstream of Roanoke Street	None	+1,031	Unincorporated Areas of Stark County.
	Approximately 220 feet upstream of Knight Street .....	None	+1,039	
East Branch Nimishillen Creek.	Approximately 140 feet downstream of Beck Avenue	+1,082	+1,081	City of Louisville, Unincorporated Areas of Stark County.
	At the downstream side of Nickel Plate Avenue .....	+1,110	+1,109	
East Branch Nimishillen Creek (Backwater effects).	Approximately 650 feet upstream of the confluence with East Branch Nimishillen Creek and East Branch Nimishillen Creek Diversion.	+1,054	+1,050	City of Canton.
	Approximately 1,350 feet upstream of the confluence with East Branch Nimishillen Creek and East Branch Nimishillen Creek Diversion.	+1,054	+1,050	
Mahoning River .....	Approximately 1,400 feet downstream of Union Avenue.	None	+1,032	City of Alliance, Unincorporated Areas of Stark County.
	Approximately 0.86 mile upstream of Webb Avenue ...	None	+1,046	
Mahoning River Overflow .....	At the confluence with the Mahoning River .....	None	+1,045	City of Alliance, Unincorporated Areas of Stark County.
	At the divergence from the Mahoning River .....	None	+1,046	
McDowell Ditch .....	Approximately 140 feet upstream of Guilford Avenue	+1,046	+1,045	City of Canton, City of North Canton, Unincorporated Areas of Stark County.
	At the confluence with Zimber Ditch .....	+1,061	+1,062	
McDowell Ditch Overflow 1 (formerly McDowell Ditch Diversion Channel).	At the downstream side of I-77 .....	+1,052	+1,051	Unincorporated Areas of Stark County.
	At the upstream side of I-77 .....	+1,054	+1,053	

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	
McDowell Ditch Overflow 2 ...	At the confluence with McDowell Ditch Overflow 1 .....	None	+1,054	City of Canton, Unincorporated Areas of Stark County.
Metzger Ditch .....	At the divergence from McDowell Ditch .....	None	+1,055	
	Approximately 160 feet downstream of Cain Street (Summit County boundary).	None	+1,107	Unincorporated Areas of Stark County.
	Approximately 1.18 mile upstream of Lake Center Street.	None	+1,124	
Middle Tributary .....	At the confluence with North Chapel Creek .....	None	+1,108	City of Louisville.
	At the downstream side of Atlantic Boulevard (U.S. Route 62).	None	+1,148	
North Chapel Creek .....	At the upstream side of Frana Clara Street .....	+1,106	+1,105	City of Louisville, Unincorporated Areas of Stark County.
Plum Creek .....	At the downstream side of Atlantic Boulevard (U.S. Route 62).	None	+1,144	
	Approximately 0.82 mile downstream of Manchester Avenue (State Route 93).	+946	+947	City of Canal Fulton, Unincorporated Areas of Stark County.
	At the downstream side of Akron Avenue .....	+1,014	+1,012	
Unnamed Tributary to East Branch Nimishillen Creek.	At the confluence with East Branch Nimishillen Creek	None	+1,085	City of Louisville, Unincorporated Areas of Stark County.
	At the downstream side of Georgetown Street .....	None	+1,105	
West Branch Nimishillen Creek.	Approximately 190 feet downstream of I-77 .....	+1,044	+1,043	City of Canton, City of North Canton, Unincorporated Areas of Stark County.
	Approximately 700 feet downstream of Hoover Ave- nue.	None	+1,155	
West Branch Nimishillen Creek Overflow.	At the downstream side of Midway Street .....	None	+1,126	Unincorporated Areas of Stark County.
West Branch Nimishillen Creek Tributary 1.	Approximately 400 feet upstream of Midway Street ....	None	+1,130	Unincorporated Areas of Stark County.
	At the confluence with West Branch Nimishillen Creek	+1,092	+1,090	
West Sippo Creek .....	At the upstream side of State Street .....	None	+1,140	City of Massillon, Unincorporated Areas of Stark County.
	At the downstream side of Deermont Avenue .....	None	+995	
Zimber Ditch Tributary 1 .....	At the downstream side of Manchester Avenue (State Route 93).	None	+1,034	Unincorporated Areas of Stark County.
	Approximately 0.45 mile upstream of Beech Hill Road (Summit County boundary).	None	+1,107	
	Approximately 1,080 feet upstream of Cleveland Ave- nue.	None	+1,164	
Zimber Ditch Tributary 1A .....	At the confluence with Zimber Ditch Tributary 1 .....	None	+1,122	Unincorporated Areas of Stark County.
	Approximately 0.39 mile upstream of Burkey Road ....	None	+1,156	

\* 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

##### City of Alliance

Maps are available for inspection at 504 East Main Street, Alliance, OH 44601.

##### City of Canal Fulton

Maps are available for inspection at 155 East Market Street, Canal Fulton, OH 44614.

##### City of Canton

Maps are available for inspection at 424 Market Avenue North, Canton, OH 44702.

##### City of Louisville



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	

Maps are available for inspection at 215 South Mill Street, Louisville, OH 44641.

**City of Massillon**

Maps are available for inspection at 151 Lincolnway East, Massillon, OH 44646.

**City of North Canton**

Maps are available for inspection at 220 West Maple Street, North Canton, OH 44720.

**Unincorporated Areas of Stark County**

Maps are available for inspection at 110 Central Plaza South, Canton, OH 44702.

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

Dated: May 14, 2010.

**Sandra K. Knight,**

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

[FR Doc. 2010-13859 Filed 6-8-10; 8:45 am]

**BILLING CODE 9110-12-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[CC Docket No. 02-6; FCC 09-105]

### Schools and Libraries Universal Service Support Mechanism

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) addresses matters related to the eligibility of products and services under the schools and libraries universal service support mechanism, also known as the E-rate program. Specifically, in this Further Notice of Proposed Rulemaking (FNPRM), we propose that the following services should not be eligible for funding under the E-rate program—separately priced firewall services, anti-virus/anti-spam software, scheduling services, wireless Internet access applications, and web hosting. We propose to revise the Commission's rules to establish that the Commission should not be required to list individual products and services (e.g., voice mail) in the rules, but that such products and services will be listed in the Eligible Services List (ESL). We propose to require the Universal Service Administrative Company (USAC) to submit any proposed changes to the ESL to the Commission no later than March 30th of each year. Finally,

we propose to eliminate the requirement that the ESL be released by public notice.

**DATES:** Comments on the proposed rules are due on or before July 9, 2010 and reply comments are due on or before July 26, 2010. Written comments on the Paperwork Reduction Act proposed information collection requirements should be submitted on or before August 9, 2010. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** You may submit comments, identified by CC Docket No. 02-6, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site:* <http://fjallfoss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: (202) 418-0530 or TTY: (202) 418-0432.

- In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to the Federal Communications Commission via e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to Nicholas A. Fraser, Office of Management and Budget, via e-mail to [Nicholas\\_A.Fraser@omb.eop.gov](mailto:Nicholas_A.Fraser@omb.eop.gov) or via fax at 202-395-5167.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Cara Voth, Wireline Competition Bureau,

Telecommunications Access Policy Division, (202) 418-7400 or TTY: (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rulemaking in CC Docket No. 02-6, FCC 09-105, adopted December 1, 2009, and released December 2, 2009. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (800) 378-3160 or (202) 863-2893, facsimile (202) 863-2898, or via the Internet at <http://www.bcpweb.com>. It is also available on the Commission's Web site at <http://www.fcc.gov>.

### Synopsis of the Notice of Proposed Rulemaking

#### I. Introduction

1. In this FNPRM, we seek comment on whether particular services should be designated as eligible for E-rate support. Specifically, we tentatively conclude that the Eligible Services List (ESL) should not include separately priced firewall services, anti-virus/anti-spam software, scheduling services, wireless Internet access applications, and web hosting should not be eligible for funding under the E-rate program. Alternatively, we propose that web hosting should be eligible for E-rate program funds as a Priority 2 service. We also propose to change our rules to establish that the Commission no longer needs to list individual products and services in the rules, but that such products and services will be listed in the ESL. We propose to change our rules to require the Universal Service Administrative Company (USAC) to submit any proposed changes to the ESL