

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

Dated: November 5, 2003.

**Anthony S. Lowe,**

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

[FR Doc. 03-28633 Filed 11-14-03; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-P-7641]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, 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 and modified 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, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

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 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 rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has 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 and location of referenced elevation                    | *Elevation in feet (NGVD) |          | Communities affected                          |
|--|---------------------------|----------|---|
|  | Existing                  | Modified |   |
| <i>Hutchins Creek:</i>   |                           |          |   |
| Just downstream of Langdon Drive .....                                     | *400                      | *399     | Dallas County, TX.<br>(Unincorporated Areas). |
| Approximately 915 feet upstream of North JJ Lemmon Street .....            | None                      | *484     | City of Hutchins.                             |
| <i>Rawlins Creek:</i>  |                           |          |   |
| Approximately 100 feet downstream of the confluence of Stream 4B4 .....    | *395                      | *396     | Dallas County.<br>(Unincorporated Areas).     |
| Approximately 2,350 feet upstream of South Miller Ferry Road .....         | *491                      | *490     | City of Hutchins.                             |
| <i>Stream 4B4:</i>   |                           |          |   |
| Approximately 500 feet upstream of the confluence with Rawlins Creek ..... | *395                      | *396     | Dallas County.<br>(Unincorporated Areas).     |
| Approximately 425 feet upstream of North Denton Street .....               | None                      | *469     | City of Hutchins.                             |

#### ADDRESSES:

City of Hutchins, Dallas County, Texas

Maps are available for inspection at Gross and Associates Real Estate, 206 North Pacific Street, Hutchins, Texas.

| Source of flooding and location of referenced elevation | *Elevation in feet (NGVD) |          | Communities affected |
|---|---------------------------|----------|----------------------|
|   | Existing                  | Modified |                      |

Send comments to The Honorable Artis Johnson, Mayor, City of Hutchins, P.O. Box 500, Hutchins, Texas 75141.

*Unincorporated Areas of Dallas County, Texas*

Maps are available for inspection at the Dallas County Records Building, 509 Main Street, Dallas, Texas.

Send comments to The Honorable Lee F. Jackson, Judge, Dallas County, Administration Building, 411 Elm Street, 2nd Floor, Dallas, Texas 75202.

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

Dated: November 4, 2003.

**Anthony S. Lowe,**

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

[FR Doc. 03-28634 Filed 11-14-03; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-P-7639]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, 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 and modified 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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