

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed extension of the attainment deadline for the 1997 8-hour ozone NAAQS for the Delaware, Maryland, and Pennsylvania portions of the Philadelphia Area does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

#### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Ozone.

Dated: October 28, 2010.

W.C. Early,

Acting, Regional Administrator, Region III.

[FR Doc. 2010-28256 Filed 11-8-10; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1153]

#### 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 February 7, 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-1153, to Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3461, or (e-mail) [roy.e.wright@dhs.gov](mailto:roy.e.wright@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3461, or (e-mail) [roy.e.wright@dhs.gov](mailto:roy.e.wright@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	
<b>Harrison County, Iowa, and Incorporated Areas</b>				
Boyer River (Left Overbank)	Approximately 0.66 mile upstream of I-29 .....	None	+1003	Unincorporated Areas of Harrison County.
Boyer River (Left Overbank) (overflow effects from Missouri River).	Approximately 150 feet upstream of 296th Street ..... From the Pottawattamie County boundary to approximately 0.66 mile upstream of I-29.	None None	+1018 +1003	Unincorporated Areas of Harrison County.
Boyer River (Right Overbank)	Approximately 200 feet upstream of I-29 .....	None	+1003	City of Missouri Valley, Unincorporated Areas of Harrison County.
Boyer River (Right Overbank) (overflow effects from Missouri River).	Approximately 150 feet upstream of 296th Street ..... From the Pottawattamie County boundary to approximately 200 feet upstream of I-29.	None None	+1018 +1003	Unincorporated Areas of Harrison County.
Boyer River (Riverward) .....	Approximately 250 feet downstream of I-29 .....	None	+1003	Unincorporated Areas of Harrison County.
Boyer River (Riverward) (overflow effects from Missouri River).	Approximately 150 feet upstream of 296th Street ..... From the Pottawattamie County boundary to approximately 250 feet downstream of I-29.	None None	+1018 +1003	Unincorporated Areas of Harrison County.
Little Sioux River (Left Overbank).	At the confluence with the Missouri River .....	None	+1029	City of Little Sioux, Unincorporated Areas of Harrison County.
Little Sioux River (Right Overbank).	Approximately 2,000 feet upstream of 120th Street .... At the confluence with the Missouri River .....	None None	+1040 +1029	Unincorporated Areas of Harrison County.
Little Sioux River (Riverward)	Approximately 2,000 feet upstream of 120th Street .... At the confluence with the Missouri River .....	None None	+1040 +1029	Unincorporated Areas of Harrison County.
Missouri River .....	Approximately 2,000 feet upstream of 120th Street .... Approximately 0.88 mile upstream of the Pottawattamie County boundary.	None +1003	+1041 +1004	City of Missouri Valley, City of Modale, City of Mondamin, Unincorporated Areas of Harrison County.
Willow Creek (Left Overbank)	At the Monona County boundary .....	+1032	+1034	Unincorporated Areas of Harrison County.
	Approximately 1.48 miles upstream of the confluence with the Boyer River.	None	+1006	
Willow Creek (Left Overbank)	Approximately 50 feet downstream of Canal Street .... Approximately 0.75 mile upstream of Huron Street .....	None None	+1008 +1010	City of Missouri Valley, Unincorporated Areas of Harrison County.
Willow Creek (Left Overbank) (backwater effects from Boyer River).	Approximately 0.45 mile upstream of 291st Street ..... From the confluence with the Boyer River to approximately 1.48 miles upstream of the confluence with the Boyer River.	None None	+1021 +1006	Unincorporated Areas of Harrison County.
Willow Creek (Left Overbank) (overflow effects from Missouri River).	From approximately 1,850 feet upstream of Huron Street to approximately 0.75 mile upstream of Huron Street.	+1009	+1010	City of Missouri Valley, Unincorporated Areas of Harrison County.
Willow Creek (Right Overbank) (backwater effects from Boyer River).	From the confluence with the Boyer River to approximately 1.8 miles upstream of the confluence with the Boyer River.	None	+1006	Unincorporated Areas of Harrison County.
Willow Creek (Right Overbank) (overflow effects from Missouri River).	Approximately 1.8 miles upstream of the confluence with the Boyer River.	None	+1006	City of Missouri Valley, Unincorporated Areas of Harrison County.
Willow Creek (Riverward) .....	Approximately 0.45 mile upstream of 291st Street ..... Approximately 0.76 mile upstream of the confluence with the Boyer River.	None None	+1011 +1010	City of Missouri Valley, Unincorporated Areas of Harrison County.
Willow Creek (Riverward) (backwater effects from Boyer River).	Approximately 0.45 mile upstream of 291st Street ..... From the confluence with the Boyer River to approximately 0.76 mile upstream of the confluence with the Boyer River.	None None	+1021 +1010	Unincorporated Areas of Harrison County.

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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\*\* 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 Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Little Sioux**

Maps are available for inspection at City Hall, 407 1st Street, Little Sioux, IA 51545.

**City of Missouri Valley**

Maps are available for inspection at the City Clerk's Office, 223 East Erie Street, Missouri Valley, IA 51555.

**City of Modale**

Maps are available for inspection at City Hall, 310 East Palmer Street, Modale, IA 51556.

**City of Mondamin**

Maps are available for inspection at City Hall, 120 South Main Street, Mondamin, IA 51557.

**Unincorporated Areas of Harrison County**

Maps are available for inspection at the Harrison County Zoning Administration Building, 301 North 6th Avenue, Logan, IA 51546.

**Mercer County, New Jersey (All Jurisdictions)**

Assunpink Creek .....	At the confluence with the Delaware River .....	+23	+25	City of Trenton.
	Approximately 120 feet upstream of Jackson Street ...	+24	+25	
Beden Brook .....	At Princeton Avenue (approximately 800 feet south of the intersection of Princeton Avenue and East Prospect Street).	None	+164	Borough of Hopewell.
	At parking lot approximately 710 feet south of the intersection of Princeton Avenue and East Prospect Street.	None	+164	
Delaware River .....	Approximately 1,000 feet downstream of U.S. Route 1 (Trenton-Morrisville Toll Bridge).	+20	+19	City of Trenton, Township of Ewing, Township of Hopewell.
	Approximately 0.5 mile upstream of the confluence of Moores Creek and the Delaware River.	+60	+61	
Delaware River .....	Approximately 2.2 miles downstream of U.S. Route 1 (Trenton-Morrisville Toll Bridge).	+17	+18	City of Trenton, Township of Hamilton.
	Approximately 1.8 miles downstream of U.S. Route 1 (Trenton-Morrisville Toll Bridge).	+17	+18	
Jacobs Creek .....	At the confluence with the Delaware River .....	+47	+46	Township of Ewing, Township of Hopewell.
	Approximately 0.4 mile upstream of State Route 29 (River Road).	+47	+46	
Miry Run .....	At the Township of Hamilton/Township of West Windsor corporate limits.	None	+72	Township of Robbinsville, Township of West Windsor.
	Approximately 1,150 feet downstream of Pond Road	+71	+72	
Moores Creek .....	At the confluence with the Delaware River .....	+59	+60	Township of Hopewell.
	Approximately 0.7 mile downstream of Valley Road ...	None	+60	
Stony Brook .....	Approximately 75 feet downstream of Pennington-Rocky Hill Road.	None	+147	Borough of Pennington.
	Approximately 1,575 feet upstream of Pennington-Rocky Hill Road.	None	+149	

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**ADDRESSES**

**Borough of Hopewell**

Maps are available for inspection at the Hopewell Borough Hall, 4 Columbia Avenue, Hopewell, NJ 08525.

**Borough of Pennington**

Maps are available for inspection at Borough Hall, 30 North Main Street, Pennington, NJ 08534.

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**City of Trenton**

Maps are available for inspection at City Hall, 319 East State Street, Trenton, NJ 08608.

**Township of Ewing**

Maps are available for inspection at the Township Municipal Building, 2 Jake Garzio Drive, Ewing, NJ 08628.

**Township of Hamilton**

Maps are available for inspection at the Township Municipal Building, 2090 Greenwood Avenue, Hamilton, NJ 08609.

**Township of Hopewell**

Maps are available for inspection at the Hopewell Township Municipal Building, 201 Washington Crossing, Titusville, NJ 08560.

**Township of Robbinsville**

Maps are available for inspection at the Township Municipal Building, One Washington Boulevard, Robbinsville, NJ 08691.

**Township of West Windsor**

Maps are available for inspection at the Township Municipal Building, 271 Clarksville Road, West Windsor, NJ 08550.

**Nash County, North Carolina, and Incorporated Areas**

Cokey Swamp .....	Approximately 90 feet downstream of Old Wilson Road (Secondary Road 1002).	+106	+107	City of Rocky Mount.
	Approximately 1.1 mile upstream of Old Wilson Road (Secondary Road 1002).	None	+118	
Cowlick Creek .....	Just upstream of U.S. Highway 64 .....	+80	+79	City of Rocky Mount.
	Just downstream of Cortland Avenue .....	+95	+92	
Cypress Creek .....	At the confluence with the Tar River .....	+170	+171	Unincorporated Areas of Nash County.
	Approximately 300 feet upstream of Lake Royale Road (Secondary Road 1316).	+170	+171	
Fishing Creek .....	Just upstream of the railroad .....	+98	+97	Unincorporated Areas of Nash County.
	Approximately 50 feet downstream of Ward Road (Secondary Road 1502).	+129	+132	
Grape Branch .....	Approximately 200 feet upstream of Beechwood Drive	+108	+107	City of Rocky Mount, Unincorporated Areas of Nash County.
	Approximately 1,100 feet upstream of Beechwood Drive.	+110	+107	
Indian Branch .....	Approximately 175 feet downstream of Gay Road (Secondary Road 1268).	+71	+70	City of Rocky Mount.
	Approximately 190 feet upstream of Hunting Lodge Drive.	None	+91	
Little Cokey Swamp .....	Approximately 250 feet downstream of Greenpasture Road (Secondary Road 1141).	+92	+93	City of Rocky Mount.
	Approximately 50 feet downstream of Kingston Avenue.	+129	+130	
Little Cokey Swamp Tributary	At the confluence with Little Cokey Swamp .....	+106	+105	City of Rocky Mount.
	Approximately 200 feet upstream of South Church Street.	None	+126	
Little Creek .....	Approximately 500 feet downstream of the railroad ....	+198	+199	Town of Middlesex, Unincorporated Areas of Nash County.
	Approximately 0.5 mile upstream of Debnam Road ....	None	+278	
Maple Creek .....	Approximately 0.3 mile upstream of Bethlehem Road (Secondary Road 1142).	+110	+111	City of Rocky Mount, Unincorporated Areas of Nash County.
	Approximately 280 feet upstream of South Old Carriage Road.	None	+166	
Parkers Canal .....	At the confluence with Cowlick Creek .....	+80	+79	City of Rocky Mount.
	Approximately 60 feet downstream of Atlantic Avenue	+96	+98	
Pig Basket Creek .....	Approximately 900 feet upstream of Red Oak Road (Secondary Road 1003).	+128	+127	Town of Red Oak, Unincorporated Areas of Nash County.
	Approximately 0.4 mile upstream of Taylors Store Road (Secondary Road 1004).	+156	+155	
Polecat Branch .....	At the confluence with Maple Creek .....	+111	+112	Unincorporated Areas of Nash County.
	Approximately 0.8 mile upstream of the confluence with Polecat Branch Tributary.	+118	+120	
Sapony Creek .....	Approximately 200 feet upstream of Sandy Cross Road (Secondary Road 1717).	+133	+132	Unincorporated Areas of Nash 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
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Stony Creek .....	Approximately 1,550 feet upstream of NC Highway 58 Approximately 0.5 mile downstream of Red Oak Road (Secondary Road 1003).	None +129	+145 +130	City of Rocky Mount, Town of Nashville, Town of Red Oak.
Swift Creek .....	Just upstream of U.S. Route 64 .....	+151	+152	City of Rocky Mount, Unincorporated Areas of Nash County.
	Approximately 1.8 miles downstream of the Edgemcombe County boundary.	+90	+88	
Tar River .....	At Red Oak Road (Secondary Road 1003) .....	+130	+131	City of Rocky Mount, Town of Spring Hope, Unincorporated Areas of Nash County.
	Approximately 150 feet downstream of South Old Carriage Road.	+132	+133	
	At the confluence with Cypress Creek .....	+170	+171	

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Send comments to Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Rocky Mount**

Maps are available for inspection at the Planning Department, 331 South Franklin Street, Rocky Mount, NC 27802.

**Town of Middlesex**

Maps are available for inspection at the Town Hall, 10232 South Nash Street, Middlesex, NC 27557.

**Town of Nashville**

Maps are available for inspection at the Town Hall, 499 South Barnes Street, Nashville, NC 27856.

**Town of Red Oak**

Maps are available for inspection at the Town Hall, 8406 Main Street, Red Oak, NC 27868.

**Town of Spring Hope**

Maps are available for inspection at the Town Hall, 118 West Railroad Street, Spring Hope, NC 27882.

**Unincorporated Areas of Nash County**

Maps are available for inspection at the Nash County Planning Department, 120 West Washington Street, Suite 2110, Nashville, NC 27856.

**El Paso County, Texas, and Incorporated Areas**

Flow Path 16 .....	Just upstream of Donald Drive .....	None	+3960	City of El Paso.
	Approximately 1,000 feet upstream of Rushing Drive	+3977	+3975	
Flow Path Number 27 Playa Drain.	Just upstream of Vocational Drive .....	None	+3663	City of El Paso.
	Just downstream of Clark Drive .....	None	+3699	
Flow Path Number 29 .....	Just upstream of Del Monte Street .....	None	+3738	City of El Paso.
	Just downstream of Prestcott Drive .....	None	+3771	
Flow Path Number 32 .....	Just upstream of Barron Road .....	+3668	+3670	City of El Paso.
	Just downstream of Patrol Drive .....	+3714	+3716	
Flow Path Number 36 .....	Just upstream of the confluence with Mesa Spur Drain.	+3662	+3666	City of El Paso.
	Approximately 0.75 mile upstream of the confluence with Mesa Spur Drain.	+3720	+3724	
Flow Path Number 41 .....	Approximately 0.37 mile downstream of the confluence of Flow Path Number 41A.	None	+3871	City of El Paso.
	Approximately 0.48 mile upstream of the confluence of Flow Path Number 41A.	None	+3987	
Flow Path Number 44 .....	Approximately 0.67 mile upstream of the confluence of Flow Path Number 43.	None	+3923	Unincorporated Areas of El Paso County.
	Approximately 1.04 miles upstream of the confluence of Flow Path Number 43.	None	+3956	
Flow Path Number 45 .....	Approximately 0.57 mile downstream of the confluence of Flow Path Number 45A.	None	+3783	Town of Vinton, Unincorporated Areas of El Paso County.
	Approximately 1.50 miles upstream of the confluence of Flow Path Number 45B.	None	+4515	

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Horizon Arroyo Stream 2 .....	Approximately 65 feet downstream of I-10 (Frontage Road). Just downstream of Access Road .....	+3752	+3747	Unincorporated Areas of El Paso County.
		+3888	+3892	

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#### ADDRESSES

##### City of El Paso

Maps are available for inspection at City Hall, 2 Civic Center Plaza, El Paso, TX 79901.

##### Town of Vinton

Maps are available for inspection at 436 East Vinton Road, Vinton, TX 79821.

##### Unincorporated Areas of El Paso County

Maps are available for inspection at 500 East San Antonio Street, Room 407, El Paso, TX 79901.

#### Bayfield County, Wisconsin, and Incorporated Areas

Lake Superior .....	Entire shoreline within community .....	None	+605	City of Bayfield, City of Washburn, Red Cliff Band of Lake Superior Chippewa, Unincorporated Areas of Bayfield County.
Lower Eau Claire Lake .....	Entire shoreline within community .....	None	+1124	Unincorporated Areas of Bayfield County.
Middle Eau Claire Lake .....	Entire shoreline within community .....	None	+1128	Unincorporated Areas of Bayfield County.
Namekagon Lake .....	Entire shoreline within community .....	None	+1398	Unincorporated Areas of Bayfield County.
Upper Eau Claire Lake .....	Entire shoreline within community .....	None	+1137	Unincorporated Areas of Bayfield County.

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#### ADDRESSES

##### City of Bayfield

Maps are available for inspection at 125 South 1st Street, Bayfield, WI 54814.

##### City of Washburn

Maps are available for inspection at 119 Washington Avenue, Washburn, WI 54891.

##### Red Cliff Band of Lake Superior Chippewa

Maps are available for inspection at 88385 State Highway 13, Bayfield, WI 54814.

##### Unincorporated Areas of Bayfield County

Maps are available for inspection at 117 East 5th Street, Washburn, WI 54891.

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

Dated: October 29, 2010.

Sandra K. Knight,

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

[FR Doc. 2010-28224 Filed 11-8-10; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1155]

**Proposed Flood Elevation Determinations**

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<b>Gilmer County, Georgia, and Incorporated Areas</b>				
Cartecay River .....	Approximately 0.24 mile upstream of the confluence with Owltown Creek. Approximately 1.12 miles upstream of Holt Bridge Road.	+1291 None	+1290 +1519	Unincorporated Areas of Gilmer County.