

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- 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 rule 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 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: September 21, 2010.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2010–24917 Filed 10–4–10; 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–1142]

#### 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 January 3, 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–1142, 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>St. Clair County, Alabama, and Incorporated Areas</b>				
Big Black Creek .....	Approximately 1.9 mile downstream of Whites Chapel Parkway.	None	+581	City of Trussville, Town of Argo, Town of Margaret, Town of Moody, Unincorporated Areas of St. Clair County.
Dye Creek .....	Approximately 3.1 miles upstream of County Road 6 At Golf Course Road .....	None	+648	City of Pell City, Unincorporated Areas of St. Clair County.
		None	+480	
Kelly Creek .....	Approximately 0.8 mile upstream of 16th Street .....	None	+591	Town of Moody, Unincorporated Areas of St. Clair County.
		None	+466	
Kerr Branch .....	Approximately 0.6 mile upstream of State Route 174 Approximately 0.5 mile downstream of Kelly Creek Road.	None	+764	Town of Moody.
		+676	+685	
Little Black Creek .....	Approximately 0.3 mile upstream of Kelly Creek Road Approximately 110 feet downstream of Acmor Road ..	None	+695	Town of Margaret, Town of Moody, Unincorporated Areas of St. Clair County.
		None	+594	
Middle Black Creek .....	Approximately 2.5 miles upstream of the railroad .....	None	+860	Town of Argo, Town of Margaret, Town of Odenville, Unincorporated Areas of St. Clair County.
		None	+601	
	Approximately 3.8 miles upstream of County Road 6	None	+727	

\* 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 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 Pell City**

Maps are available for inspection at 1905 1st Avenue North, Pell City, AL 35125.

**City of Trussville**

Maps are available for inspection at 131 Main Street, Trussville, AL 35173.

**Town of Argo**

Maps are available for inspection at 8885 Gadsden Highway, Argo, AL 35173.

**Town of Margaret**

Maps are available for inspection at 125 School Street, Margaret, AL 35112.

**Town of Moody**

Maps are available for inspection at 670 Park Avenue, Moody, AL 35004.

**Town of Odenville**

Maps are available for inspection at 183 Alabama Street, Odenville, AL 35120.

**Unincorporated Areas of St. Clair County**

Maps are available for inspection at 165 5th Avenue, Suite 100, Ashville, AL 35953.

**Madison County, Missouri, and Incorporated Areas**

Little Saint Francis River .....	Approximately 675 feet downstream of U.S. Route 67	None	+689	City of Fredericktown, Unincorporated Areas of Madison 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	
Little Saint Francis River Tributary 1.	Approximately 1.3 mile downstream of County Road 220.	None	+743	City of Fredericktown, Unincorporated Areas of Madison County.
	At the confluence with the Little Saint Francis River ...	+704	+700	
Mill Creek (backwater effects from Little Saint Francis River).	Just downstream of County Road 218 .....	None	+769	Unincorporated Areas of Madison County.
	From the confluence with the Little Saint Francis River to approximately 665 feet downstream of County Road 500.	None	+690	
Saline Creek .....	At the confluence with the Little Saint Francis River ...	+707	+703	Unincorporated Areas of Madison County.
Spiva Branch (backwater effects from Little Saint Francis River).	Approximately 550 feet downstream of the confluence with Goose Creek.	None	+736	Unincorporated Areas of Madison County.
	From the confluence with the Little Saint Francis River to just upstream of County Road 201.	None	+692	
Tollar Branch .....	At the confluence with Saline Creek .....	+714	+713	City of Fredericktown, Unincorporated Areas of Madison County.
Village Creek .....	Approximately 1,310 feet upstream of Mine LaMotte Street.	None	+788	City of Fredericktown, Unincorporated Areas of Madison County.
	At the confluence with the Little Saint Francis River ...	+707	+704	
	Just upstream of Catherine Mine Road .....	+708	+707	

\* 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 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 Fredericktown**

Maps are available for inspection at City Hall, 124 West Main Street, Fredericktown, MO 63645.

**Unincorporated Areas of Madison County**

Maps are available for inspection at the Madison County Courthouse, 1 Courthouse Square, Fredericktown, MO 63645.

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

Dated: September 13, 2010.

**Sandra K. Knight,**

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

[FR Doc. 2010-24866 Filed 10-4-10; 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-1134]**

**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 January 30, 2011.