

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

*G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks*

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is based solely on technology performance and not on health or safety risks.

*H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113, Section 12(d), 15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. The VCS are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency does not use available and applicable VCS.

This action does not involve technical standards. Therefore, EPA did not consider the use of any VCS.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on minority or low-income populations.

EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This action seeks comment on one aspect of the final NESHAP for existing stationary CI RICE without proposing any changes to the rule.

**List of Subjects in 40 CFR Part 63**

Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Dated: November 30, 2010.

**Lisa P. Jackson,**  
Administrator.

[FR Doc. 2010–30627 Filed 12–6–10; 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–1164]**

**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 March 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–1164, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) [luis.rodriguez1@dhs.gov](mailto:luis.rodriguez1@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) [luis.rodriguez1@dhs.gov](mailto:luis.rodriguez1@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	
St. Lucie County, Florida, and Incorporated Areas				
Canal 8 .....	At the confluence with Fivemile Creek .....	None	+12	City of Fort Pierce, Unincorporated Areas of St. Lucie County.
Fivemile Creek .....	Approximately 1,385 feet upstream of Summit Street	None	+18	City of Fort Pierce, Unincorporated Areas of St. Lucie County.
	At Peterson Road .....	None	+16	
Howard Creek .....	Approximately 0.5 mile upstream of Peterson Road ...	None	+16	City of Port St. Lucie, Unincorporated Areas of St. Lucie County.
	Approximately 1,635 feet downstream of Southeast Ballantrae Boulevard.	None	+6	
Ponding Area .....	Approximately 0.6 mile upstream of Southeast Westmoreland Boulevard.	None	+13	City of Fort Pierce, Unincorporated Areas of St. Lucie County.
	Ponding area bounded by Virginia Park Boulevard to the north, west, and south, and South 35th Street to the east.	None	+15	
Ponding Area .....	Ponding area bounded by State Highway 70 to the north, South 35th Street to the west, Cortez Boulevard to the south, and South 29th Street to the east.	None	+15	City of Fort Pierce, Unincorporated Areas of St. Lucie County.
Ponding Area .....	Ponding area bounded by State Highway 70 to the north, South 29th Street to the west, Cortez Boulevard to the south, and Placid Avenue to the east..	None	+16	City of Fort Pierce, Unincorporated Areas of St. Lucie County.
Ponding Area .....	Ponding area bounded by Royal Palm Drive to the north, South 25th Street to the west, Cortez Boulevard to the south, and South 19th Street to the east.	None	+17	City of Fort Pierce, Unincorporated Areas of St. Lucie County.
Ponding Area .....	Ponding area bounded by Cortez Boulevard to the north, South 25th Street to the west, Edwards Road to the south, and Admiral Street to the east.	None	+17	City of Fort Pierce, Unincorporated Areas of St. Lucie County.
Ponding Area .....	Ponding area bounded by Arnold Road to the north, Fivemile Creek to the west, Kirby Loop Road to the south, and Virginia Park Boulevard to the east.	None	+14	City of Fort Pierce.
Ponding Area .....	Ponding area bounded by State Highway 70 to the north, South 35th Street to the west, Cortez Boulevard to the south, and South 29th Street to the east.	None	+16	City of Fort Pierce.
Ponding Area .....	Ponding area bounded by State Highway 70 to the north, South 35th Street to the west, Cortez Boulevard to the south, and South 29th Street to the east.	None	+17	City of Fort Pierce.
Ponding Area .....	Ponding area bounded by Linda Sue Circle to the north, west, south, and east.	None	+17	City of Fort Pierce.
Tenmile Creek Tributary .....	At McCarty Road .....	None	+19	City of Port St. Lucie, Unincorporated Areas of St. Lucie 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	
	Approximately 1,400 feet upstream of Newell Road ...	None	+21	

\* 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 Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Fort Pierce

Maps are available for inspection at City Hall, 100 North U.S. Highway 1, Fort Pierce, FL 34950.

##### City of Port St. Lucie

Maps are available for inspection at City Hall, 121 Southwest Port St. Lucie Boulevard, Port St. Lucie, FL 34984.

##### Unincorporated Areas of St. Lucie County

Maps are available for inspection at the St. Lucie County Building Department, 2300 Virginia Avenue, Fort Pierce, FL 34982.

#### Wayne County, Michigan (All Jurisdictions)

McCloughrey Drain .....	Just downstream of Van Born Road .....	None	+662	City of Romulus, City of Wayne, Township of Van Buren.
	Just downstream of I-275 North .....	None	+669	

\* 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 Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Romulus

Maps are available for inspection at 11111 Wayne Road, Romulus, MI 48174.

##### City of Wayne

Maps are available for inspection at 4001 South Wayne Road, Wayne, MI 48184.

##### Township of Van Buren

Maps are available for inspection at 46425 Tyler Road, Van Buren Township, MI 48111.

#### Harris County, Texas, and Incorporated Areas

K100-00-00 (Cypress Creek).	Approximately 0.57 mile downstream of Treaschwig Road.	+78	+79	City of Houston, Unincorporated Areas of Harris County.
	Approximately 1.1 miles upstream of the Waller County boundary.	+172	+173	
K111-00-00 (Turkey Creek)	Approximately 1,100 feet downstream of Hardy Toll Road.	+91	+90	Unincorporated Areas of Harris County.
	Approximately 650 feet upstream of North Vista Drive	+104	+105	
K116-00-00 (Schulz Gully) (backwater effects from Cypress Creek).	At the confluence with Cypress Creek .....	+84	+85	Unincorporated Areas of Harris County.
	Approximately 920 feet downstream of Aldine Westfield Road.	+84	+85	
K120-00-00 (Lemm Gully) (backwater effects from Cypress Creek).	At the confluence with Cypress Creek .....	+91	+92	Unincorporated Areas of Harris County.
	Approximately 0.4 mile upstream of Lockridge Drive ..	+91	+92	

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	
K120-01-00 (Senger Gully) (backwater effects from Cypress Creek).	At the confluence with Lemm Gully .....	+91	+92	City of Houston, Unincorporated Areas of Harris County.
K124-00-00 (Seals Gully) ...	Approximately 100 feet upstream of I-45 .....	+91	+92	Unincorporated Areas of Harris County.
	Approximately 1,400 feet downstream of Candle Creek Road.	+101	+102	
	Approximately 500 feet upstream of Spring Cypress Road.	+124	+125	
K131-00-00 (Spring Gully) ..	At the confluence with Cypress Creek .....	+108	+106	Unincorporated Areas of Harris County.
	Approximately 200 feet downstream of Spring Cypress Road.	+136	+137	
K131-03-03 (Tributary 2.1 to Spring Gully) (backwater effects from Spring Gully).	At the confluence with Spring Gully .....	+114	+112	Unincorporated Areas of Harris County.
K131-04-00 (Tributary to Spring Gully) (backwater effects from Spring Gully).	Just upstream of T.C. Jester Boulevard .....	+114	+112	Unincorporated Areas of Harris County.
	At the confluence with Spring Gully .....	+123	+121	
	Approximately 1,600 feet upstream of the confluence with Spring Gully.	+123	+122	
K133-00-00 (Dry Gully) (backwater effects from Cypress Creek).	At the confluence with Cypress Creek .....	+113	+112	Unincorporated Areas of Harris County.
	Approximately 400 feet upstream of Champions Forest Drive.	+113	+112	
K140-00-00 (Pilot Gully) (backwater effects from Cypress Creek).	At the confluence with Cypress Creek .....	+119	+118	Unincorporated Areas of Harris County.
K142-00-00 (Faulkey Gully)	Just downstream of River Park Drive .....	+119	+118	Unincorporated Areas of Harris County.
	At the confluence with Cypress Creek .....	+124	+122	
	Just downstream of Lakewood Forest Drive .....	+124	+123	
K145-00-00 (Dry Creek) (backwater effects from Cypress Creek).	At the confluence with Cypress Creek .....	+140	+139	Unincorporated Areas of Harris County.
	Just downstream of Jarvis Road .....	+140	+139	
K152-00-00 (Tributary 37.1 to Cypress Creek).	Approximately 1,500 feet upstream of the confluence with Cypress Creek.	+149	+148	Unincorporated Areas of Harris County.
	Approximately 920 feet downstream of U.S. Route 290.	+153	+151	
	At the confluence with Cypress Creek .....	+156	+158	
K155-00-00 (Tributary 40.7 to Cypress Creek).	Approximately 1,580 feet downstream of U.S. Route 290.	+198	+197	Unincorporated Areas of Harris County.
	At the confluence with Cypress Creek .....	+159	+163	
K157-00-00 (Tributary 42.7 to Cypress Creek).	Approximately 2 miles upstream of Jack Road .....	+197	+196	Unincorporated Areas of Harris County.
K159-00-00 (Channel A to Cypress Creek) (backwater effects from Cypress Creek).	At the confluence with Cypress Creek .....	+150	+151	
	Approximately 1,900 feet upstream of the confluence with Cypress Creek.	+150	+151	Unincorporated Areas of Harris County.
K160-00-00 (Rock Hollow) ..	At the confluence with Cypress Creek .....	+161	+163	
	Approximately 980 feet upstream of Mound Road .....	+207	+206	Unincorporated Areas of Harris County.
	Approximately 0.6 mile upstream of the confluence with Rock Hollow.	+167	+166	
K160-01-00 (Tributary 1.63 to Rock Hollow).	Approximately 2.8 miles upstream of the confluence with Rock Hollow.	+193	+192	
	At the Cypress Creek confluence with K185-00-00 ...	+164	+166	Unincorporated Areas of Harris County.
	Approximately 0.7 mile downstream of Mound Road ..	+208	+206	

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	
L100-00-00 (Little Cypress Creek) (backwater effects from Cypress Creek).	At the confluence with Cypress Creek .....	+131	+130	Unincorporated Areas of Harris County.
	Approximately 1,500 feet upstream of the confluence with Cypress Creek.	+131	+130	

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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 Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Houston

Maps are available for inspection at the Floodplain Management Office, 3300 Main Street, 1st Floor, Houston, TX 77002.

##### Unincorporated Areas of Harris County

Maps are available for inspection at the Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.

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

Dated: November 23, 2010.

**Sandra K. Knight,**

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

[FR Doc. 2010-30609 Filed 12-6-10; 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-1168]

##### 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 March 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-1168, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) [luis.rodriguez1@dhs.gov](mailto:luis.rodriguez1@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C

Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) [luis.rodriguez1@dhs.gov](mailto:luis.rodriguez1@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.