

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 67**

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1167]

**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 14, 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-1167, 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. Charles County, Missouri, and Incorporated Areas				
Baltic Creek .....	At the confluence with Dardenne Creek .....	+472	+470	City of Cottleville, City of St. Peters, City of Weldon Spring, Unincorporated Areas of St. Charles County.
	Approximately 0.7 mile upstream of the confluence with Tributary 7	+494	+492	

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	
Boschert Creek .....	At the confluence with Cole Creek .....	+443	+441	City of St. Charles, Unincorporated Areas of St. Charles County.
	Approximately 0.6 mile upstream of Sibley Street .....	+522	+532	
Cole Creek .....	Approximately 0.4 mile upstream of the confluence with Boschert Creek.	+442	+443	City of St. Charles.
	Approximately 800 feet upstream of Graystone Drive	+528	+529	
Crooked Creek .....	At the confluence with Dardenne Creek .....	+476	+475	City of Cottleville, City of O'Fallon, City of Weldon Spring, Unincorporated Areas of St. Charles County.
	Approximately 0.7 mile upstream of I-64 .....	None	+574	
Cunningham Branch .....	At the confluence with Dardenne Creek .....	+538	+535	City of O'Fallon, Unincorporated Areas of St. Charles County.
	Approximately 1,250 feet upstream of State Highway D.	None	+644	
Dardenne Creek .....	Approximately 400 feet downstream of Norfolk Southern Railroad.	+443	+444	City of Cottleville, City of O'Fallon, City of St. Peters, Town of Dardenne Prairie, Unincorporated Areas of St. Charles County.
	Approximately 2.3 miles upstream of Oberhelman Road.	+752	+748	
East Branch .....	At the confluence with Spencer Creek .....	+456	+458	City of St. Peters.
Spencer Creek .....	Just downstream of Boone Hills Drive .....	+499	+503	
East Branch .....	At the confluence with Dardenne Creek .....	+481	+480	City of Cottleville, City of O'Fallon, Unincorporated Areas of St. Charles County.
	Approximately 150 feet upstream of State Highway K	+516	+525	
Tributary B .....	At the confluence with Cole Creek .....	+454	+457	City of St. Charles.
East Cole Creek .....	Approximately 600 feet upstream of Canary Lane .....	+487	+478	
Kraut Run .....	At the confluence with Dardenne Creek .....	+505	+506	Unincorporated Areas of St. Charles County.
	Approximately 1,000 feet upstream of Wilson Road ...	None	+607	
Lake Sainte Louise .....	Entire shoreline within community .....	None	+546	City of Lake St. Louis, Unincorporated Areas of St. Charles County.
	At the confluence with Dardenne Creek .....	+553	+554	
Little Dardenne Creek .....	Approximately 0.9 mile upstream of Morrison Lane ....	None	+719	City of Lake St. Louis, City of O'Fallon, City of St. Charles, Unincorporated Areas of St. Charles County.
Oday Creek .....	At the confluence with Dardenne Creek .....	+504	+505	
	Approximately 425 feet upstream of State Highway N	None	+587	City of O'Fallon, City of St. Charles, Town of Dardenne Prairie, Unincorporated Areas of St. Charles County.
Old Dardenne Creek .....	At the confluence with Dardenne Creek .....	+485	+486	
	Approximately 350 feet upstream of U.S. Route 40/61	None	+502	City of Foristell, City of Wentzville, Unincorporated Areas of St. Charles County.
Peruque Creek .....	Approximately 0.3 mile downstream of State Highway Z.	+532	+530	
	Approximately 1.3 miles upstream of State Highway T	None	+630	City of Foristell, Unincorporated Areas of St. Charles County.
Peruque Creek .....	At the confluence with Peruque Creek .....	None	+613	
Tributary 2 .....	Approximately 600 feet upstream of State Highway T	None	+734	

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	
Peruque Creek .....	Approximately 1.0 mile upstream of the confluence with Peruque Creek.	None	+505	City of Lake St. Louis, City of Wentzville.
Tributary 8 .....	Approximately 0.6 mile upstream of I-70 .....	None	+546	
Peruque Creek .....	Approximately 1.0 mile upstream of the confluence with Peruque Creek.	+504	+505	City of Lake St. Louis, Unincorporated Areas of St. Charles County.
Tributary 9 .....				
Peruque Creek .....	Approximately 0.4 mile upstream of Henke Road .....	None	+539	
Tributary 12 .....	At the confluence with Peruque Creek .....	+472	+471	City of St. Paul, Unincorporated Areas of St. Charles County.
	Approximately 0.4 mile upstream of Meadow Farm Lane.	None	+527	
Peruque Creek .....	Approximately 0.2 mile upstream of the confluence with Peruque Creek.	None	+464	City of O'Fallon, Unincorporated Areas of St. Charles County.
Tributary 14 .....				
	Approximately 1,000 feet upstream of Civic Park Drive.	None	+512	
Peruque Creek .....	Approximately 900 feet upstream of the confluence with Peruque Creek.	None	+464	City of O'Fallon.
Tributary 15 .....	Approximately 1,300 feet upstream of Main Street .....	None	+507	
Sandfort Creek .....	Just downstream of Norfolk Southern Railroad .....	+443	+442	City of St. Charles, Unincorporated Areas of St. Charles County.
Schote Creek .....	Approximately 350 feet downstream of Muegge Road	None	+497	
	At the confluence with Dardenne Creek .....	+482	+481	City of O'Fallon, Town of Dardenne Prairie, Unincorporated Areas of St. Charles County.
	Approximately 1.6 miles upstream of U.S. Route 40/61.	None	+583	
Spencer Creek .....	Approximately 365 feet upstream of the railroad .....	+443	+444	City of St. Peters, Unincorporated Areas of St. Charles County.
	Approximately 1,200 feet upstream of Millwood Drive	+525	+526	
Tributary A .....	At the confluence with Dardenne Creek .....	+470	+469	City of St. Peters, Unincorporated Areas of St. Charles County.
	Approximately 500 feet upstream of Starlight Drive ....	+533	+536	
Tributary No. 1 .....	At the confluence with Dardenne Creek .....	+461	+464	City of St. Peters, Unincorporated Areas of St. Charles County.
	Approximately 400 feet upstream of Harris Drive .....	None	+473	
Tributary No. 2 .....	Just upstream of Ohmes Road .....	+466	+465	City of St. Peters.
	Approximately 0.5 mile upstream of Ohmes Road .....	None	+478	
Tributary No. 3 .....	At the confluence with Tributary A .....	+470	+469	Unincorporated Areas of St. Charles County.
	Approximately 0.8 mile upstream of St. Peters-Howell Road.	None	+503	
Tributary No. 4 .....	At the confluence with Tributary A .....	+470	+469	City of St. Peters, Unincorporated Areas of St. Charles County.
	Approximately 1,150 feet upstream of Woodstream Drive.	None	+509	
Tributary No. 7 .....	At the confluence with Baltic Creek .....	+483	+482	City of St. Peters, City of Weldon Spring.
	Approximately 0.8 mile upstream of Pitmann Hill Road.	None	+504	
Tributary No. 9 .....	At the confluence with Crooked Creek .....	+479	+480	City of Weldon Spring, Unincorporated Areas of St. Charles County.
	Approximately 0.5 mile upstream of Guthermuth Road	+496	+497	
Tributary No. 13 .....	At the confluence with Dardenne Creek .....	+485	+486	City of O'Fallon, Town of Dardenne Prairie.
	Approximately 700 feet upstream of McClure Road ....	+509	+508	

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	
Tributary No. 15 .....	At the confluence with Dardenne Creek .....	+496	+495	City of O'Fallon, Town of Dardenne Prairie, Unincorporated Areas of St. Charles County.
	Approximately 300 feet upstream of Keystone Crossing Drive.	None	+567	
Tributary No. 17 .....	Approximately 0.8 mile upstream of the confluence with Dardenne Creek.	None	+522	City of O'Fallon, Unincorporated Areas of St. Charles County.
	Approximately 900 feet upstream of Hopewell Road ..	None	+895	
Tributary No. 19 .....	Approximately 1,300 feet upstream of the confluence with Dardenne Creek.	+504	+505	Unincorporated Areas of St. Charles County.
	Approximately 2.1 miles upstream of the confluence with Dardenne Creek.	None	+573	
West Branch Spencer Creek	At the confluence with Spencer Creek .....	+453	+450	Unincorporated Areas of St. Charles County.
	Approximately 400 feet upstream of Willott Road .....	None	+510	
West Branch Tributary B .....	At the confluence with East Branch Tributary B .....	+491	+489	Town of Dardenne Prairie.
	Approximately 150 feet upstream of Bryan Road .....	None	+622	
West Sandfort Creek .....	At the confluence with Sandfort Creek .....	+451	+450	City of St. Charles, Unincorporated Areas of St. Charles County.
	Approximately 1,400 feet upstream of Harry S. Truman Boulevard.	+466	+459	

\* 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 Cottleville

Maps are available for inspection at City Hall, 5490 5th Street, Cottleville, MO 63338.

##### City of Foristell

Maps are available for inspection at City Hall, 121 Mulberry Street, Foristell, MO 63348.

##### City of Lake St. Louis

Maps are available for inspection at City Hall, 200 Civic Center Drive, Lake St. Louis, MO 63367.

##### City of O'Fallon

Maps are available for inspection at City Hall, 100 North Main Street, O'Fallon, MO 63366.

##### City of St. Charles

Maps are available for inspection at City Hall, 200 North 2nd Street, St. Charles, MO 63301.

##### City of St. Paul

Maps are available for inspection at City Hall, 2300 Saint Paul Road, St. Paul, MO 63366.

##### City of St. Peters

Maps are available for inspection at City Hall, 1 Saint Peter Centre Boulevard, St. Peters, MO 63376.

##### City of Weldon Spring

Maps are available for inspection at City Hall, 5401 Independence Road, Weldon Spring, MO 63304.

##### City of Wentzville

Maps are available for inspection at City Hall, 310 West Pearce Boulevard, Wentzville, MO 63385.

##### Town of Dardenne Prairie

Maps are available for inspection at the Town Hall, 2032 Hanley Road, Dardenne Prairie, MO 63368.

##### Unincorporated Areas of St. Charles County

Maps are available for inspection at the St. Charles County Administrative Building, 201 North 2nd Street, St. Charles, MO 63301.

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

Dated: December 3, 2010.

Sandra K. Knight,

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

[FR Doc. 2010-31151 Filed 12-10-10; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 25

[IB Docket No. 97-95; FCC 10-186]

#### Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz and 48.2-50.2 GHz Frequency Bands

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; correction.

**SUMMARY:** The Federal Communications Commission published a document in the *Federal Register* of November 22, 2010, concerning a request for comment on technical rules for satellite systems in the 37.5-42.5 GHz band. The document contained incorrect proceeding numbers and incorrect language regarding the filing of comments on information collection requirements.

**DATES:** The comment date for the proposed rule published November 22, 2010, 75 FR 71064, remains January 6, 2011, and reply comments remain due on or before February 7, 2011.

#### SUPPLEMENTARY INFORMATION:

##### Correction

In the *Federal Register* of November 22, 2010, on page 71064, correct the **ADDRESSES** caption to read:

**ADDRESSES:** You may submit comment, identified by IB Docket No. 97-95, 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://www.fcc.gov/cgb/ecfs>. 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), phone: 202-418-0530 or TTY: 202-418-0432.

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

In the *Federal Register* of November 22, 2010, on page 71064-65, correct the "SUPPLEMENTARY INFORMATION" caption to read:

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Third Notice of Proposed Rulemaking (*Third Notice*) in IB Docket No. 97-95, adopted October 29, 2010 and released on November 1, 2010. The full text of the Notice of Proposed Rulemaking is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

The *Third Notice* contains potential proposed new or modified information collection requirements subject to the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13 (44 U.S.C. 3501-3520). The Commission invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in the *Third Notice*. These PRA comments are due on or before February 11, 2011. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. If the Commission adopts new or revised information collection requirements, the Commission will publish a separate notice in the *Federal Register* inviting the public to comment on the requirements before a submission is made to the OMB for approval of the information collection requirements.

In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the Commission will seek specific comment on how it might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

Dated: November 23, 2010.

Marlene H. Dortch,

Secretary.

[FR Doc. C1-2010-30984 Filed 12-10-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 223

[Docket No. 101124581-0584-01]

RIN 0648-XA046

#### Endangered and Threatened Species; 90-Day Finding on Petitions To Delist the Eastern Distinct Population Segment of the Steller Sea Lion

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of 90-day petition finding; request for information.

**SUMMARY:** We (NMFS) announce a 90-day finding on two petitions to delist the eastern Distinct Population Segment (DPS) of the Steller Sea Lion (*Eumetopias jubatus*) under the Endangered Species Act of 1973, as amended (ESA). We find that the petitions present substantial scientific or commercial information indicating that the petitioned action may be warranted. We are continuing our status review of this DPS to determine if the petitioned action is warranted. To ensure that the status review is comprehensive, we are again soliciting scientific and commercial information regarding this species from any interested party.

**DATES:** Information and comments must be submitted to NMFS by February 11, 2011.

**ADDRESSES:** You may submit comments, identified by RIN 0648-XA046, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Hand-delivery:* Assistant Regional Administrator, Protected Resources Division, NMFS, Alaska Regional Office, Attn: Ellen Sebastian, Juneau Federal Building, 709 West 9th Street, Room 420A, Juneau, AK 99802-1668.

- *Mail:* P.O. Box 21668, Juneau, AK 99802.

- *Facsimile (fax):* (907) 586-7557.

*Instructions:* All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business