

this action must be filed in the United States Court of Appeals for the appropriate circuit by April 25, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by

reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: February 9, 2011.

**Al Armendariz,**  
*Regional Administrator, Region 6.*

40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for part 52 continues to read as follows:

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

**Subpart SS—Texas**

■ 2. Section 52.2270 is amended as follows:

■ a. The table in paragraph (c) entitled “EPA Approved Regulations in the

Texas SIP” is amended under Chapter 115 (Reg 5), Subchapter G, by removing the centered heading “Division 2: Portable Fuel Containers” and by removing the entries under Division 2 for Sections 115.620 through 115.629.

■ b. The second table in paragraph (e) entitled “EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP” is amended by adding to the end of the table a new entry entitled “Texas Portable Fuel Container State Implementation Plan” to read as follows:

**§ 52.2270 Identification of plan**

\* \* \* \* \*  
(e) \* \* \*

**EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP**

Name of SIP provision	Applicable geographic or non-attainment area	State submittal/effective date	EPA approval date	Comments
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Texas Portable Fuel Container State Implementation Plan.	All Affected 1997 Eight-Hour Ozone Standard Nonattainment And Near Nonattainment Areas In The State Of Texas.	3/4/2010	2/24/2011 [Insert FR page number where document begins].	

[FR Doc. 2011–3996 Filed 2–23–11; 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**

**Final Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each 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 date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained

by contacting the office where the maps are available for inspection as indicated in the table below.

**ADDRESSES:** The final 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:** 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.rodriquez1@dhs.gov](mailto:luis.rodriquez1@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) 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 Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain

management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

**National Environmental Policy Act.** This final 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.

**Regulatory Classification.** This final 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 13132, Federalism.** This final rule involves no policies that have federalism implications under Executive Order 13132.

**Executive Order 12988, Civil Justice Reform.** This final 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 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.

**§ 67.11 [Amended]**

■ 2. The tables published under the authority of § 67.11 are 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) Modified	Communities affected
<b>Matanuska-Susitna Borough, Alaska, and Incorporated Areas Docket No.: FEMA-B-1087</b>			
Susitna River .....	Approximately 11 miles northwest of the intersection of Talkeetna Road and Comsat Road.	+336	Borough of Matanuska-Susitna.
	Approximately 1,100 feet downstream of the confluence with the Chulitna River.	+355	
Talkeetna River .....	Approximately 900 feet downstream of the railroad bridge north of Talkeetna.	+348	Borough of Matanuska-Susitna.
	Approximately 400 feet downstream of the confluence of Whiskey Slough.	+394	
Twister Creek .....	Just downstream of South Talkeetna Road Spur .....	+345	Borough of Matanuska-Susitna.
	At the divergence from Talkeetna River .....	+381	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Borough of Matanuska-Susitna**

Maps are available for inspection at 350 East Dahlia Avenue, Palmer, AK 99645.

**Carroll County, Arkansas, and Incorporated Areas  
Docket No.: FEMA-B-1066**

Leatherwood Creek .....	Approximately 0.61 mile upstream of Magnetic Road .....	+1109	City of Eureka Springs, Unincorporated Areas of Carroll County.
	Approximately 1,250 feet upstream of Magnetic Road .....	+1131	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Eureka Springs**

Maps are available for inspection at City Hall, 44 South Main Street, Eureka Springs, AR 72632.

**Unincorporated Areas of Carroll County**

Maps are available for inspection at the Carroll County Courthouse, 210 West Church Street, Berryville, AR 72616.

**Vanderburgh County, Indiana, and Incorporated Areas  
Docket No.: FEMA-B-1080**

Bluegrass Creek .....	At Heckel Road .....	+384	Unincorporated Areas of Vanderburgh County.
	Approximately 1.5 miles upstream of Boonville-New Harmony Road.	+387	
Crawford-Brandeis Ditch .....	Just upstream of Norfolk Southern Railroad .....	+386	Unincorporated Areas of Vanderburgh County.
Dry Run Lower .....	At the confluence with Pigeon Creek .....	+378	
	Approximately 100 feet upstream of 1st Avenue .....	+381	City of Evansville.
Dry Run Upper .....	At the confluence with Dry Run Lower .....	+378	
	Approximately 0.3 mile upstream of Cross Gate Drive .....	+407	Unincorporated Areas of Vanderburgh County.
Greenbriar Hills Tributary .....	Approximately 600 feet upstream of the confluence with Little Pigeon Creek.	+381	
	Approximately 800 feet upstream of Greendale Drive .....	+413	City of Evansville.
Harper Ditch .....	At the confluence with Hirsch Ditch .....	+381	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Hirsch Ditch .....	At the confluence with Pigeon Creek .....	+381	City of Evansville, Unincorporated Areas of Vanderburgh County.
	At the confluence with Harper Ditch .....	+381	
Little Pigeon Creek .....	At the confluence with Crawford-Brandeis, Lockwood, and Stockfleith Ditches. At the confluence with Pigeon Creek .....	+386 +378	City of Evansville, Unincorporated Areas of Vanderburgh County.
Lockwood Ditch .....	Approximately 2,250 feet upstream of the confluence with Pigeon Creek. At the confluence of Crawford-Brandeis, Stockfleith, and Hirsch Ditches.	+378 +386	Unincorporated Areas of Vanderburgh County.
Mill Road Tributary .....	At the county boundary .....	+387	City of Evansville.
	At the confluence with Little Pigeon Creek .....	+378	
Nurenbern Ditch .....	Approximately 725 feet upstream of Inwood Drive .....	+407	Unincorporated Areas of Vanderburgh County.
	At the confluence with Lockwood Ditch .....	+387	
Ohio River .....	At State Road 66 .....	+389	City of Evansville, Unincorporated Areas of Vanderburgh County.
	Approximately 7.3 miles upstream of the Posey County boundary (extended).	+374	
Pigeon Creek .....	Approximately 1.5 miles downstream of the Warrick County boundary (extended). Approximately 1,200 feet downstream of North Fulton Avenue.	+381 +378	City of Evansville, Unincorporated Areas of Vanderburgh County.
Schlensker Ditch .....	At Green River Road .....	+383	Unincorporated Areas of Vanderburgh County.
	At Green River Road .....	+389	
Schlensker Ditch Tributary ....	Approximately 2,000 feet upstream of Browning Road .....	+441	Unincorporated Areas of Vanderburgh County.
	At the confluence with Schlensker Ditch .....	+405	
Stockfleith Ditch .....	Approximately 0.5 mile upstream of the confluence with Schlensker Ditch. At the confluence with Hirsch, Lockwood, and Crawford-Brandeis Ditches. At State Road 66 .....	+409 +386 +388	Unincorporated Areas of Vanderburgh County.

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.  
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Evansville**

Maps are available for inspection at the Evansville Civic Center Complex, Building Commission Department, 1 Northwest Martin Luther King Jr. Boulevard, Room 310, Evansville, IN 47708.

**Unincorporated Areas of Vanderburgh County**

Maps are available for inspection at the Evansville Civic Center Complex, Building Commission Department, 1 Northwest Martin Luther King Jr. Boulevard, Room 310, Evansville, IN 47708.

**Marion County, Kansas, and Incorporated Areas  
 Docket No.: FEMA-B-1087**

Clear Creek .....	At the confluence with Mud Creek .....	+1319	Unincorporated Areas of Marion County.
Cottonwood River .....	Approximately 250 feet upstream of Cedar Street .....	+1319	Unincorporated Areas of Marion County.
	Approximately 1,100 feet downstream of 5th Street .....	+1272	
Cottonwood River Tributary ..	Approximately 775 feet upstream of West Main Street .....	+1316	Unincorporated Areas of Marion County.
	Approximately 1,100 feet upstream of Upland Road .....	+1307	
Doyle Creek .....	Approximately 1,200 feet upstream of Tanglewood Street ... Approximately 1.1 miles downstream of 105th Street .....	+1322 +1272	City of Marion, Unincorporated Areas of Marion County.
	Approximately 0.7 mile upstream of Maple Street .....	+1367	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Mud Creek .....	Approximately 1,000 feet upstream of the confluence with Cottonwood Creek.	+1316	City of Marion, Unincorporated Areas of Marion County.
	Approximately 1,200 feet upstream of the confluence with Clear Creek.	+1319	
Old Mud Creek Channel .....	Approximately 1,100 feet downstream of Commercial Street	+1299	City of Marion, Unincorporated Areas of Marion County.
Old Mud Creek Channel Tributary.	Approximately 1.6 miles upstream of Main Street .....	+1300	City of Marion.
	At the confluence with Old Mud Creek Channel .....	+1299	
Prairie Creek .....	At West Santa Fe Street .....	+1304	Unincorporated Areas of Marion County.
	At the confluence with Doyle Creek .....	+1356	
Spring Creek .....	Approximately 0.7 mile upstream of Old Mill Road .....	+1390	Unincorporated Areas of Marion County.
	At Peabody Street .....	+1368	
Tributary to Cottonwood River	Approximately 1,325 feet upstream of 70th Street .....	+1377	City of Marion.
	Approximately 1,375 feet downstream of West Main Street	+1299	
	Approximately 75 feet downstream of West Main Street .....	+1299	

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.  
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Marion**

Maps are available for inspection at City Hall, 208 East Sante Fe Street, Marion, KS 66861.

**Unincorporated Areas of Marion County**

Maps are available for inspection at the Marion County Courthouse, 200 South 3rd Street, Marion, KS 66861.

**Simpson County, Kentucky, and Incorporated Areas  
 Docket No.: FEMA-B-1066**

Webb Branch .....	Just downstream of KY-1008 (Industrial Bypass) .....	+660	City of Franklin, Unincorporated Areas of Simpson County.
	Approximately 0.4 mile upstream of Witt Road .....	+736	

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.  
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Franklin**

Maps are available for inspection at 117 West Cedar Street, Franklin, KY 42135.

**Unincorporated Areas of Simpson County**

Maps are available for inspection at 100 Main Street, Franklin, KY 42135.

**Allen Parish, Louisiana, and Incorporated Areas  
 Docket No.: FEMA-B-1040**

Beaver Creek .....	Approximately 7,218 feet downstream of 16th Street .....	+117	City of Oakdale.
Bunch Creek .....	Approximately 575 feet downstream of 16th Street .....	+119	Unincorporated Areas of Allen Parish.
	At Martin Tram Road .....	+37	
Calcasieu River .....	Approximately 3,097 feet upstream of U.S. Route 190 .....	+38	City of Oakdale.
	Approximately 341 feet upstream of the confluence with unnamed creek.	+106	
Gilley Gully .....	At the intersection of unnamed creek and Union Pacific Railroad.	+107	Unincorporated Areas of Allen Parish.
	Approximately 1,539 feet downstream of Martin Tram Road	+35	
Whisky Chitto Creek .....	Approximately 4,613 feet upstream of Martin Tram Road ....	+36	Unincorporated Areas of Allen Parish.
	Approximately 10,369 feet upstream of the confluence with the Calcasieu River.	+41	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
	Approximately 6,544 feet upstream of the confluence with the Calcasieu River.	+41	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

#### ADDRESSES

##### City of Oakdale

Maps are available for inspection at 333 East 6th Avenue, Oakdale, LA 71463.

##### Unincorporated Areas of Allen Parish

Maps are available for inspection at the Allen Parish Police Jury, 602 Court Street, Oberlin, LA 70655.

#### Barton County, Missouri, and Incorporated Areas

##### Docket No.: FEMA-B-1075

North Fork Spring River .....	Approximately 6,200 feet downstream of the City of Lamar Heights corporate limits.  Approximately 600 feet upstream of the City of Lamar corporate limits.	+935  +942	City of Lamar Heights, Unincorporated Areas of Barton County.
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\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

#### ADDRESSES

##### City of Lamar Heights

Maps are available for inspection at 1004 Gulf Street, Room 103, Lamar, MO 64759.

##### Unincorporated Areas of Barton County

Maps are available for inspection at 1004 Gulf Street, Room 103, Lamar, MO 64759.

#### Greene County, Ohio, and Incorporated Areas

##### Docket No.: FEMA-B-1012 and FEMA-B-1085

Possum Run .....	Approximately 900 feet downstream of Wilmington Pike ..... At the confluence of Wilmington Pike North Branch .....	+931 +940	City of Centerville.
Shawnee Park Tributary .....	Approximately 0.80 mile upstream of Monroe Drive .....	+924	City of Xenia, Unincorporated Areas of Greene County.
South Fork Massies Creek ....	Just downstream of U.S. Route 42 .....	+943	Unincorporated Areas of Greene County.
Yellow Springs Creek .....	Approximately 0.53 mile upstream of the railroad .....	+1041	Unincorporated Areas of Greene County.
Yellow Springs Creek .....	Approximately 240 feet downstream of Weimer Road .....	+1050	Village of Yellow Springs
Yellow Springs Creek .....	Approximately 0.8 mile upstream of Grinnell Road .....	+886	Village of Yellow Springs
Yellow Springs Creek .....	Approximately 0.7 mile downstream of Fairfield Road .....	+905	Village of Yellow Springs

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

#### ADDRESSES

##### City of Centerville

Maps are available for inspection at the Municipal Building, 100 West Spring Valley Road, Centerville, OH 45458.

##### City of Xenia

Maps are available for inspection at City Hall, 101 North Detroit Street, Xenia, OH 45385.

##### Unincorporated Areas of Greene County

Maps are available for inspection at the Greene County Building Regulations, 667 Dayton-Xenia Road, Xenia, OH 45385.

##### Village of Yellow Springs

Maps are available for inspection at 100 Dayton Street, Yellow Springs, OH 45387.

#### Hopkins County, Texas, and Incorporated Areas

##### Docket No.: FEMA-B-1091

Coleman Creek .....	Approximately 0.56 mile upstream of State Highway 19 .....  Approximately 600 feet upstream of State Highway 19 .....	+437  +445	Unincorporated Areas of Hopkins County.
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Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Gena Creek .....	Just upstream of FM Road 1870 .....	+440	Unincorporated Areas of Hopkins County.
Rock Creek .....	Approximately 1.04 miles upstream of FM Road 1870 ..... Just downstream of unnamed railroad .....	+457 +421	Unincorporated Areas of Hopkins County.
Turtle Creek .....	Approximately 500 feet upstream of Holiday Drive ..... Just upstream of State Highway 11 ..... Just upstream of unnamed railroad .....	+476 +481 +494	Unincorporated Areas of Hopkins County.

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.  
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Unincorporated Areas of Hopkins County**

Maps are available for inspection at the Hopkins County Courthouse, 118 Church Street, Sulphur Springs, TX 75483.

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

Dated: February 8, 2011.

**Edward L. Connor,**

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

[FR Doc. 2011-4129 Filed 2-23-11; 8:45 am]

**BILLING CODE 9110-12-P**

North Capitol Street, NW.,  
 Washington, DC 20573-0001, Tel.:  
 (202) 523-5740, E-mail:  
*generalcounsel@fmc.gov.*

**SUPPLEMENTARY INFORMATION:** The Commission's Rules of Practice and Procedure, 46 CFR part 502, govern procedures before the Commission. 46 CFR 502.1-502.991. The rules are in place to secure just, speedy, and inexpensive resolution of proceedings before the Commission. After review of the procedural rules in their current form, the Commission has found that certain provisions have become outdated, unclear, or unduly burdensome. Therefore, the Commission has determined to amend part 502 of Title 46 of the Code of Federal Regulations to update and improve the Commission's Rules of Practice and Procedure.

As a first step in updating and improving its procedural rules, the Commission is making changes to Subparts A, H, I, S, and T of its Rules of Practice and Procedure. A number of technical, non-substantive changes are made to other Subparts of the rules. This Final Rule also includes corrections of some typographical errors in the rules.

The most notable changes are as follows:

**Section 502.2**

The Commission has clarified the provisions for electronic filing of documents and has amended the number of copies to be filed in Commission proceedings. Previously, in proceedings before the Commission, an

original and fifteen (15) copies of certain documents filed and served in the proceedings were required to be furnished for the Commission's use and an original and four (4) copies of other documents were required to be furnished. The Commission is now requiring the filing of an original and five (5) copies of all documents filed in order to simplify this requirement, to reduce the burden on parties to Commission proceedings, and to reduce paper waste. The rule as revised requests that filings also be sent in PDF form when possible, either through electronic e-mail ("e-mail") or on an electronic storage device.

As many parties currently transmit documents by electronic means (except for initial filing of complaints and claims), the Commission has determined to accommodate electronic submission of documents for the purpose of meeting filing deadlines if the original and five (5) copies follow immediately by mail or courier. This Final Rule includes new rules for such electronic submission of documents to the Commission, and removes reference to facsimile transmissions.

To facilitate communications and service of documents, the amended rule requires all parties to provide the Commission and all other parties with accurate and current contact information.

The Final Rule amends the requirement to file discovery materials. The previous rule, 46 CFR 502.118(b)(3)(i) (repealed by this Final Rule) required parties to file with the Commission a single copy of discovery

**FEDERAL MARITIME COMMISSION**

**46 CFR Part 502**

[Docket No. 11-02]

RIN 3072-AC41

**Amendments to Commission's Rules of Practice and Procedure**

**DATE:** February 17, 2011.

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Maritime Commission (FMC or Commission) amends its Rules of Practice and Procedure to update, clarify, and reduce the burden on parties to proceedings before the Commission.

**DATES:** The final rule is effective February 24, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, Tel.: (202) 523-5725, E-mail: *secretary@fmc.gov.*

Rebecca A. Fenneman, General Counsel, Federal Maritime Commission, 800