

or unclassifiable. Further, in establishing nonattainment area boundaries, the agency is required to identify the area that does not meet the 2010 Primary NO<sub>2</sub> standard and any nearby area that is contributing to the area that does not meet that standard. If you believe that a specific geographic area that the EPA is proposing to identify as a nonattainment area should not be categorized by the section 107(d) criteria as nonattainment, or if you believe that a specific area not proposed by the EPA to be identified as a nonattainment area should in fact be categorized as nonattainment using the section 107(d) criteria, please be as specific as possible in supporting your belief.

- Describe any assumptions and provide any technical information and/or data that you used.

- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

- Provide specific examples to illustrate your concerns, and suggest alternatives.

- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the comment period deadline identified.

## II. Instructions for Submitting Public Comments

*A. What should I consider as I prepare my comments for the EPA?*

1. *Submitting CBI.* Do not submit this information to the EPA through <http://www.regulations.gov> or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to the EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI only to the following address: Roberto Morales, U.S. EPA, Office of Air Quality Planning and Standards, Mail Code C404-02, Research Triangle Park, NC 27711, telephone (919) 541-0880, e-mail at [morales.roberto@epa.gov](mailto:morales.roberto@epa.gov), Attention Docket ID No. OAR-2011-0572.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

- Follow directions. The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

## III. Background

The process for designating areas following promulgation of a new or revised NAAQS is contained in CAA section 107(d) (42 U.S.C. 7407). Following the promulgation of a new or revised standard, each Governor or Tribal Leader has an opportunity to recommend air quality designations, including the appropriate boundaries for nonattainment areas, to the EPA. The EPA considers these recommendations as part of its duty to promulgate the formal area designations and boundaries for the new or revised standards. By no later than 120 days prior to promulgating designations, the EPA is required to notify states or tribes of any intended modification to an area designation or boundary recommendation that the EPA deems necessary. On or around June 29, 2011, the EPA notified states and tribes of its intended area designations for the 2010 Primary NO<sub>2</sub> NAAQS. States and tribes now have an opportunity to demonstrate why they believe a modification proposed by the EPA may be inappropriate. In these responses, the EPA encourages states and tribes to provide comments and additional information for consideration by the EPA in finalizing designations. The EPA plans to make final designation determinations for the 2010 Primary NO<sub>2</sub> NAAQS by October 31, 2011.

## IV. Internet Web Site for Rulemaking Information

The EPA has also established a Web site for this rulemaking at <http://www.epa.gov/no2designations>. The Web site includes the EPA's state and tribal designation recommendations, as well as the rulemaking actions and other related information that the public may find useful.

Dated: June 29, 2011.

**Mary E. Henigin,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. 2011-17060 Filed 7-6-11; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2011-0002; Internal Agency Docket No. FEMA-B-1202]

#### 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 proposed rule 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 October 5, 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-1202, 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.rodriquez1@dhs.gov](mailto:luis.rodriquez1@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 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>Clear Creek County, Colorado, and Incorporated Areas</b>				
Bear Creek .....	Approximately 0.42 mile downstream of Golden Willow Road.	None	+7409	Unincorporated Areas of Clear Creek County.
	At the downstream side of the Corral Creek confluence.	None	+7549	
Clear Creek .....	At the upstream side of the Georgetown Lake foot-bridge.	+8450	+8452	Town of Georgetown, Unincorporated Areas of Clear Creek County.
South Clear Creek .....	Approximately 1,980 feet upstream of 6th Street .....	None	+8636	Town of Georgetown, Unincorporated Areas of Clear Creek County.
	Approximately 80 feet upstream of Rose Street .....	+8497	+8498	
South Clear Creek—Weir 1248 Overflow.	Approximately 1,670 feet upstream of Main Street .....	None	+8697	Town of Georgetown.
	Approximately 100 feet upstream of the South Clear Creek confluence.	None	+8498	
South Clear Creek—Weir 835 Overflow.	At the downstream side of the South Clear Creek divergence.	None	+8517	Town of Georgetown.
	Approximately 170 feet upstream of the Clear Creek confluence.	None	+8487	
Virginia Canyon .....	At the downstream side of the South Clear Creek divergence.	None	+8507	City of Idaho Springs, Unincorporated Areas of Clear Creek County.
	At the upstream side of Riverside Drive .....	+7522	+7521	
	Approximately 800 feet upstream of Virginia Street ....	None	+7655	

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

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	

\*\*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 Idaho Springs**

Maps are available for inspection at City Hall, 1711 Miner Street, Idaho Springs, CO 80452.

**Town of Georgetown**

Maps are available for inspection at the Town Hall, 404 6th Street, Georgetown, CO 80444.

**Unincorporated Areas of Clear Creek County**

Maps are available for inspection at the Clear Creek County Courthouse, 405 Argentine Street, Georgetown, CO 80444.

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

Bynum Mill Creek .....	At the Town Creek confluence .....	+49	+48	Town of Macclesfield, Town of Pinetops, Unincorporated Areas of Edgecombe County.
	At the downstream side of North Carolina Highway 124.	+84	+83	
Bynum Mill Run .....	At the Bynum Mill Creek confluence .....	+68	+66	Town of Macclesfield, Unincorporated Areas of Edgecombe County.
	Approximately 0.5 mile upstream of South 4th Street Extension (State Route 1112).	None	+95	
Cokey Swamp .....	At the Town Creek confluence .....	+57	+54	Town of Sharpsburg, Unincorporated Areas of Edgecombe County.
	Approximately 70 feet downstream of the railroad .....	+119	+118	
Cokey Swamp Tributary .....	At the Cokey Swamp confluence .....	+89	+88	Unincorporated Areas of Edgecombe County.
	Approximately 450 feet upstream of Floods Store Road (State Route 1146).	None	+106	
Deep Creek .....	Approximately 1.0 mile downstream of Dickens Road (State Route 1505).	+49	+48	Town of Speed, Unincorporated Areas of Edgecombe County.
	At the Deep Creek Tributary confluence .....	+57	+56	
East Tarboro Canal .....	Approximately 1,500 feet upstream of the Tar River confluence.	+46	+45	Town of Tarboro, Unincorporated Areas of Edgecombe County.
	Approximately 590 feet upstream of the railroad .....	None	+57	
Fishing Creek .....	Approximately 500 feet upstream of the Maple Swamp confluence.	+50	+49	Town of Leggett, Unincorporated Areas of Edgecombe County.
	Approximately 1,000 feet downstream of the railroad	+96	+95	
Indian Branch .....	Approximately 175 feet downstream of Gay Road (State Route 1268).	+71	+70	Unincorporated Areas of Edgecombe County.
	At the Swift Creek confluence .....	+56	+58	
Leggett Canal .....	Approximately 0.7 mile upstream of the Swift Creek confluence.	+57	+58	Town of Leggett, Unincorporated Areas of Edgecombe County.
	At the Cokey Swamp confluence .....	+82	+80	
Little Cokey Swamp .....	Approximately 250 feet downstream of Greenpasture Road (State Route 1141).	+92	+93	Unincorporated Areas of Edgecombe County.
	At the upstream side of the railroad .....	+55	+54	
Longs Branch .....	Approximately 0.9 mile upstream of North Carolina Highway 122.	None	+63	Town of Speed, Unincorporated Areas of Edgecombe County.
	At the Fishing Creek confluence .....	+50	+49	
Maple Swamp .....				Unincorporated Areas of Edgecombe 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	
Moccasin Swamp .....	Approximately 0.6 mile downstream of Bethlehem Church Road (State Route 1431).	+60	+59	Unincorporated Areas of Edgecombe County.
	At the Swift Creek confluence .....	+74	+73	
Moore Swamp .....	Approximately 1.0 mile upstream of the Swift Creek confluence.	+75	+74	Unincorporated Areas of Edgecombe County.
	At the Maple Swamp confluence .....	+58	+56	
Savage Mill Run .....	Approximately 1.1 miles upstream of the Maple Swamp confluence.	+59	+58	Town of Speed, Unincorporated Areas of Edgecombe County.
	Approximately 250 feet downstream of North Carolina Highway 122.	+55	+56	
Swift Creek .....	Approximately 1.2 miles upstream of North Carolina Highway 122.	+61	+62	Town of Leggett, Unincorporated Areas of Edgecombe County.
	Approximately 300 feet upstream of West Logsboro Road.	+52	+51	
Town Creek .....	Approximately 400 feet downstream of the railroad ....	+91	+90	Town of Pinetops, Unincorporated Areas of Edgecombe County.
	Approximately 2.0 miles upstream of Colonial Road (State Route 1601).	+41	+40	
White Oak Swamp .....	Approximately 140 feet upstream of North Carolina Highway 43.	+59	+57	Town of Whitakers, Unincorporated Areas of Edgecombe County.
	Approximately 1,500 feet downstream of White Oak Swamp Road (State Route 1428).	+61	+62	
	Approximately 630 feet upstream of South Cutchin Street (State Route 1410).	#2	+124	

\* 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

##### Town of Leggett

Maps are available for inspection at the Leggett Town Hall, 63 Draughn Road, Tarboro, NC 27886.

##### Town of Macclesfield

Maps are available for inspection at the Edgecombe County Planning Department, 201 Saint Andrews Street, Room 205, Tarboro, NC 27886.

##### Town of Pinetops

Maps are available for inspection at the Town Hall, 101 East Hamlet Street, Pinetops, NC 27864.

##### Town of Sharpsburg

Maps are available for inspection at the Town Hall, 110 Railroad Street, Sharpsburg, NC 27878.

##### Town of Speed

Maps are available for inspection at the Town Hall, 200 Railroad Street, Speed, NC 27881.

##### Town of Tarboro

Maps are available for inspection at the Town Hall, 500 Main Street, Tarboro, NC 27886.

##### Town of Whitakers

Maps are available for inspection at the Town Hall, 302 Northwest Railroad Street, Whitakers, NC 27891.

#### Unincorporated Areas of Edgecombe County

Maps are available for inspection at the Edgecombe County Administration Building, 201 Saint Andrews Street, Tarboro, NC 27886.

#### Benton County, Tennessee, and Incorporated Areas

Big Sandy River Drainage Canal.	Approximately 1.7 miles upstream of State Route 69A	None	+375	Unincorporated Areas of Benton County.
	Approximately 0.5 mile upstream of U.S. Route 641 ..	None	+375	

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	
Burnside Creek .....	Approximately 150 feet downstream of Eva Road .....	+375	+376	City of Camden, Unincorporated Areas of Benton County.
Cane Creek .....	Approximately 0.4 mile upstream of Flatwoods Road At the Cypress Creek confluence .....	None +375	+441 +376	
Charlie Creek .....	Approximately 0.6 mile upstream of Post Oak Road ... At the Cane Creek confluence .....	None +378	+435 +377	City of Camden, Unincorporated Areas of Benton County.
Cypress Creek .....	Approximately 1,000 feet upstream of State Route 69A. At the Cane Creek confluence .....	None +375	+448 +376	
	Approximately 0.5 mile upstream of Old State Route 69.	None	+409	City of Camden, Unincorporated Areas of Benton County.

\* 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 Camden**

Maps are available for inspection at City Hall, 110 U.S. Route 641 South, Camden, TN 38320.

**Unincorporated Areas of Benton County**

Maps are available for inspection at the Benton County Courthouse, 1 East Court Square, Room 104, Camden, TN 38320.

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

Dated: June 23, 2011.

**Sandra K. Knight,**

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

[FR Doc. 2011-17035 Filed 7-6-11; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**[Docket No. FWS-R9-IA-2010-0056; 96300-1671-0000-R4]**

**RIN 1018-AX29**

**Endangered and Threatened Wildlife and Plants; Removal of the Regulation That Excludes U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle From Certain Prohibitions**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to revise the regulations that implement the Endangered Species Act (Act). This action would eliminate the exclusion of U.S. captive-bred live wildlife and

sport-hunted trophies of three endangered antelopes—scimitar-horned oryx (*Oryx dammah*), addax (*Addax nasomaculatus*), and dama gazelle (*Gazella dama*)—from certain prohibited activities, such as take and export, under the Act. This proposed change to the regulations is in response to a court order that found that the rule for these three species violated section 10(c) of the Act. These three antelope species remain listed as endangered under the Act, and a person would need to qualify for an exemption or obtain an authorization under the current statutory and regulatory requirements to conduct any prohibited activities.

**DATES:** We will consider comments received or postmarked on or before August 8, 2011.

**ADDRESSES:** You may submit comments by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R9-IA-2010-0056.