

million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed action does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This proposed Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### *G. National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today's proposed action because it does not require the public to perform activities conducive to the use of VCS.

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

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: June 8, 2001.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*  
[FR Doc. 01-16004 Filed 6-25-01; 8:45 am]

**BILLING CODE 6560-50-P**

## **FEDERAL EMERGENCY MANAGEMENT AGENCY**

### **44 CFR Part 67**

**[Docket No. FEMA-B-7414]**

### **Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the 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 comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed 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 following table.

**FOR FURTHER INFORMATION CONTACT:** Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) matt.miller@fema.gov.

**SUPPLEMENTARY INFORMATION:** 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 are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Acting Administrator, Federal Insurance Administration and Mitigation certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

*Regulatory Classification.* This proposed 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 12612, Federalism.* This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

*Executive Order 12778, Civil Justice Reform.* This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

#### **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

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

**BILLING CODE 6718-04-P**

| Flooding source(s)                    | Location of referenced elevation                                                      | Elevation in feet *(NGVD) |          | Communities affected                                    |
|---------------------------------------|---------------------------------------------------------------------------------------|---------------------------|----------|---------------------------------------------------------|
|                                       |                                                                                       | Effective                 | Modified |                                                         |
| Kansas                                |                                                                                       |                           |          |                                                         |
| Johnson County and Incorporated Areas |                                                                                       |                           |          |                                                         |
| Tomahawk Creek .....                  | Approximately 3,500 feet upstream of confluence with Indian Creek.                    | *849                      | *850     | City of Leawood, City of Overland Park, City of Olathe. |
|                                       | Approximately 1,600 feet downstream of Roe Avenue.                                    | *865                      | *866     |                                                         |
|                                       | Just downstream of Pflumm Road .....                                                  | *1,005                    | *1,007   |                                                         |
|                                       | Approximately 4,800 feet upstream of Pflumm Road.                                     | None                      | *1,034   |                                                         |
| Tributary No. 2 .....                 | At confluence with Tomahawk Creek .....                                               | None                      | *853     | City of Leawood.                                        |
|                                       | Approximately 1,200 feet upstream of Confluence with Tomahawk Creek.                  | None                      | *859     |                                                         |
| Tributary No. 3 .....                 | At confluence with Tomahawk Creek .....                                               | None                      | *859     | City of Leawood.                                        |
|                                       | Approximately 1,300 feet upstream of confluence with Tomahawk Creek.                  | None                      | *860     |                                                         |
| Tributary No. 4 .....                 | At confluence with Tomahawk Creek .....                                               | None                      | *864     | City of Leawood.                                        |
|                                       | Approximately 1,500 feet upstream of confluence with Tomahawk Creek.                  | None                      | *866     |                                                         |
| Tributary No. 5 .....                 | At confluence with Tomahawk Creek .....                                               | None                      | *872     | City of Leawood.                                        |
|                                       | Approximately 1,200 feet upstream of Confluence with Tomahawk Creek.                  | None                      | *874     |                                                         |
| Tributary No. 6 .....                 | At confluence with Tomahawk Creek .....                                               | None                      | *872     | City of Overland Park.                                  |
|                                       | Approximately 1,850 feet upstream of Confluence with Tomahawk Creek.                  | None                      | *881     |                                                         |
| Tributary No. 7 .....                 | At confluence with Tomahawk Creek .....                                               | None                      | *881     | City of Overland Park.                                  |
|                                       | Just downstream of Metcalf Avenue .....                                               | None                      | *929     |                                                         |
| Tributary No. 8 .....                 | At confluence with Tomahawk Creek .....                                               | None                      | *885     | City of Overland Park.                                  |
|                                       | Approximately 1,000 feet upstream of Confluence with Tomahawk Creek.                  | None                      | *888     |                                                         |
| Tributary No. 9 .....                 | At confluence with Tomahawk Creek .....                                               | None                      | *890     | City of Overland Park.                                  |
|                                       | Approximately 1,360 feet upstream of Tomahawk Creek.                                  | None                      | *900     |                                                         |
| Tributary No. 10 .....                | At confluence with Tomahawk Creek .....                                               | None                      | *900     | City of Overland Park.                                  |
|                                       | Approximately 1,100 feet upstream of Foster Street.                                   | .....                     | *935     |                                                         |
| Tributary No. 11 .....                | At confluence with Tomahawk Creek .....                                               | None                      | *906     | City of Overland Park.                                  |
|                                       | Approximately 1,380 feet upstream of Confluence with Tomahawk Creek.                  | None                      | *912     |                                                         |
| Tributary No. 12 .....                | At confluence with Tomahawk Creek .....                                               | None                      | *912     | City of Overland Park.                                  |
|                                       | Approximately 4,700 feet upstream of Antioch Road.                                    | None                      | *955     |                                                         |
| Tributary No. 12B1 .....              | At confluence with Tomahawk Creek Tributary No. 12.                                   | None                      | *920     | City of Overland Park.                                  |
|                                       | Approximately 2,450 feet upstream of Confluence with Tomahawk Creek.                  | None                      | *938     |                                                         |
| Tributary No. 13 .....                | At confluence with Tomahawk Creek .....                                               | None                      | *929     | City of Overland Park.                                  |
|                                       | Approximately 900 feet upstream of 148th Street.                                      | None                      | *984     |                                                         |
| Tributary No. 13B1 .....              | At confluence with Tomahawk Creek Tributary No. 13.                                   | None                      | *935     | City of Overland Park.                                  |
|                                       | Just downstream of Antioch Road .....                                                 | None                      | *935     |                                                         |
| Tributary No. 13E1 .....              | At confluence with Tomahawk Creek Tributary No. 13.                                   | None                      | *964     | City of Overland Park.                                  |
|                                       | Approximately 500 feet upstream of Switzer Road.                                      | None                      | *978     |                                                         |
| Tributary No. 13F1 .....              | At confluence with Tomahawk Creek Tributary No. 13.                                   | None                      | *979     | City of Overland Park.                                  |
|                                       | Approximately 1,100 feet upstream of Confluence with Tomahawk Creek Tributary No. 13. | None                      | *989     |                                                         |
| Tributary No. 17 .....                | At confluence with Tomahawk Creek .....                                               | None                      | *977     | City of Overland Park.                                  |
|                                       | Approximately 610 feet upstream of Confluence with Tomahawk Creek.                    | None                      | *981     |                                                         |
| Tributary No. 18 .....                | At confluence with Tomahawk Creek .....                                               | None                      | *989     | City of Overland Park.                                  |
|                                       | Approximately 1,100 feet downstream of 143rd Street.                                  | None                      | *997     |                                                         |
| Tributary No. 19 .....                | At confluence with Tomahawk Creek .....                                               | None                      | *1,000   | City of Overland Park.                                  |
|                                       | Approximately 630 feet upstream of Confluence with Tomahawk Creek.                    | None                      | *1,003   |                                                         |
| Tributary No. 20 .....                | At confluence with Tomahawk Creek .....                                               | None                      | *1,011   | City of Olathe, City of Overland Park.                  |

| Flooding source(s)     | Location of referenced elevation                                   | Elevation in feet *(NGVD) |          | Communities affected |
|------------------------|--------------------------------------------------------------------|---------------------------|----------|----------------------|
|                        |                                                                    | Effective                 | Modified |                      |
| Tributary No. 21 ..... | Approximately 300 feet upstream of Confluence with Tomahawk Creek. | None                      | *1,011   | City of Olathe.      |
|                        | At confluence with Tomahawk Creek .....                            | None                      | *1,012   |                      |
|                        | Approximately 760 feet upstream of Confluence with Tomahawk Creek. | None                      | *1,014   |                      |

**ADDRESSES****Johnson County (Unincorporated Areas)**

Maps are available for inspection at the Department of Planning, Development and Codes, 111 South Cherry, Suite 3500, Olathe, Kansas.

Send comments to The Honorable Annabeth Surbaugh, Chairman, Johnson County Board of Commissioners, 111 South Cherry, Suite 3300, Olathe, Kansas 66061.

**City of Leawood**

Maps are available for inspection at the Planning Services Department, 4800 Town Center Drive, Leawood, Kansas.

Send comments to The Honorable Peggy Dunn, Mayor, City of Leawood, 4800 Town Center Drive, Leawood, Kansas 66211.

**City of Olathe**

Maps are available for inspection at the Planning Department, 100 West Santa Fe, Olathe, Kansas.

Send comments to The Honorable Larry Campbell, Mayor, City of Olathe, P.O. Box 768, Olathe, Kansas 66051-0768.

**City of Overland Park**

Maps are available for inspection at City Hall, 8500 Santa Fe Drive, Overland Park, Kansas.

Send comments to The Honorable Ed Eilert, Mayor, City of Overland Park, 8500 Santa Fe Drive, Overland Park, Kansas 66313.

**TEXAS****Bexar County and Incorporated Areas**

|                                    |                                                                                                     |        |        |                                                                        |
|------------------------------------|-----------------------------------------------------------------------------------------------------|--------|--------|------------------------------------------------------------------------|
| Culebra Creek .....                | At confluence with Leon Creek .....                                                                 | *772   | *773   | Bexar County (Uninc. Areas), City of San Antonio.                      |
|                                    | At Culebra Road .....                                                                               | *848   | *849   |                                                                        |
|                                    | Just downstream of Galm Road .....                                                                  | *951   | *952   |                                                                        |
| Culebra Creek Split:               |                                                                                                     |        |        |                                                                        |
| No. 1 .....                        | At confluence with Culebra Creek .....                                                              | None   | *796   | Bexar County (Uninc. Areas), City of San Antonio.                      |
|                                    | Approximately 830 feet upstream of Tezel Road.                                                      | None   | *808   |                                                                        |
| No. 2 .....                        | At confluence with Culebra Creek (Approximately 200 feet upstream of Tezel Road).                   | None   | *810   | Bexar County (Uninc. Areas).                                           |
|                                    | Approximately 3,620 feet upstream of Timberwilde.                                                   | None   | *827   |                                                                        |
| No. 3 .....                        | At confluence with Culebra Creek (Approximately 1,530 feet downstream of Charles W. Anderson Loop). | None   | *853   | Bexar County (Uninc. Areas), City of San Antonio.                      |
|                                    | At Charles W. Anderson Loop .....                                                                   | None   | *865   |                                                                        |
| French Creek .....                 | Approximately 1,500 feet upstream of Clyde Dent.                                                    | None   | *806   | Bexar County (Uninc. Areas), City of San Antonio.                      |
|                                    | Approximately 1,040 feet downstream of Mainline Drive.                                              | None   | *832   |                                                                        |
|                                    | At Charles W. Anderson Drive .....                                                                  | *938   | *936   |                                                                        |
|                                    | Approximately 800 feet upstream of Circle North Trail.                                              | None   | *980   |                                                                        |
| Helotes Creek (at San Antonio) ... | At confluence with Culebra Creek .....                                                              | *852   | *853   | Bexar County (Uninc. Areas). City of San Antonio.                      |
|                                    | At Leslie Road .....                                                                                | *914   | *915   |                                                                        |
|                                    | Approximately 320 feet upstream of Bandera Road.                                                    | *1,003 | *997   |                                                                        |
| Huebner Creek .....                | Approximately 220 feet upstream of Ingram Road.                                                     | *763   | *765   | Bexar County (Uninc. Areas), City of San Antonio, City of Leon Valley. |
|                                    | At Huebner Road .....                                                                               | *843   | *841   |                                                                        |
|                                    | Approximately 320 feet upstream of DeZavala Road.                                                   | None   | *966   |                                                                        |
| Huesta Creek .....                 | At confluence with Leon Creek .....                                                                 | *911   | *915   | Bexar County (Uninc. Areas), City of San Antonio.                      |
|                                    | Approximately 2,050 feet upstream of Charles W. Anderson Drive.                                     | *1,013 | *1,006 |                                                                        |
| Leon Creek .....                   | At U.S. Highway 90 .....                                                                            | *696   | *693   | Bexar County (Uninc. Areas), City of San Antonio.                      |
|                                    | At U.S. Route 161 .....                                                                             | *733   | *736   |                                                                        |
|                                    | Approximately 2,450 feet downstream of Route 16.                                                    | *824   | *824   |                                                                        |

| Flooding source(s)                  | Location of referenced elevation                                | Elevation in feet *(NGVD) |          | Communities affected                              |
|-------------------------------------|-----------------------------------------------------------------|---------------------------|----------|---------------------------------------------------|
|                                     |                                                                 | Effective                 | Modified |                                                   |
| Leon Creek Overflow .....           | Approximately 1,100 feet upstream of Charles W. Anderson Drive. | *991                      | *993     | Bexar County (Uninc. Areas), City of San Antonio. |
|                                     | Approximately 1,125 feet downstream of West Prue Road.          | *888                      | *888     |                                                   |
|                                     | At Babcock Road .....                                           | *920                      | *918     |                                                   |
|                                     | Approximately 60 feet downstream of West Hausman Road.          | *953                      | *953     |                                                   |
| Maverick Creek (Babcock Tributary). | At confluence with Leon Creek .....                             | *913                      | *916     | Bexar County (Uninc. Areas), City of San Antonio. |
|                                     | At Seco Creek Street .....                                      | *1,010                    | *1,014   |                                                   |
|                                     | Approximately 1,750 feet upstream of Babcock Road.              | None                      | *1,137   |                                                   |
| Tributary B to Culebra Creek .....  | At confluence with Culebra Creek .....                          | None                      | *920     | Bexar County (Uninc. Areas).                      |
|                                     | Approximately 50 feet downstream of Galm Road.                  | None                      | *950     |                                                   |

## ADDRESSES

## Bexar County (Unincorporated Areas)

Maps are available for inspection at the Bexar County Public Works Department, 233 N. Pecos, Suite 420, San Antonio, Texas. Send comments to The Honorable Cyndi Taylor Krier, Bexar County Judge, 100 Dolorosa, Suite 101, San Antonio, Texas 78205

## City of Leon Valley

Maps are available for inspection at the Leon Valley City Hall, 6400 El Verde Road, San Antonio, Texas. Send comments to The Honorable Marcy Meffert, Mayor, City of Leon Valley, 6400 El Verde Road, San Antonio, Texas 78328.

## City of San Antonio

Maps are available for inspection at Municipal Plaza, 114 W. Commerce, Seventh Floor, San Antonio, Texas. Send comments to The Honorable Howard W. Peak, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283-3996.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: June 18, 2001.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance Administration and Mitigation.*

[FR Doc. 01-15926 Filed 6-25-01; 8:45 am]

BILLING CODE 6718-04-M

FEDERAL EMERGENCY  
MANAGEMENT AGENCY

## 44 CFR Part 67

Docket No. FEMA-B-7416

Proposed Flood Elevation  
Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the 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 comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed 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 following table.

## FOR FURTHER INFORMATION CONTACT:

Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) matt.miller@fema.gov.

**SUPPLEMENTARY INFORMATION:** 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 are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

## National Environmental Policy Act.

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act.** The Acting Administrator, Federal Insurance Administration and Mitigation certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

**Regulatory Classification.** This proposed 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 12612, Federalism.** This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.