

establish conditions that allow all solvent-contaminated wipes, no matter which solvent they contain, except perhaps tetrachloroethylene, to be sent to a Subtitle D municipal or industrial landfill unit subject to, or otherwise meeting, the landfill requirements in § 258.40(a)(2) and (b). This approach could be simpler since the generator would not need to separate his wipes and send them to separate disposal locations. We are requesting comment on these two approaches.

The risk analysis using 90th percentile results also indicates that tetrachloroethylene has a risk potential in both unlined landfills and composite lined landfills for both solvent-contaminated wipes and laundry sludge (using a cancer risk criterion of  $1 \times 10^{-5}$ ). Using the higher end cancer risk value in our analysis, the ratio of the ELLR to the RB-MLL for tetrachloroethylene was 1.1, while using the lower end cancer risk value the ratio was 0.9. If we rounded the numbers, the ratios would both be 1.0. Since we generally used a conservative approach in the risk analysis, we are asking for comment on whether our results represent a risk of concern.

Even though the risk may be borderline, we are considering alternative management conditions for tetrachloroethylene to address this potential risk. One approach is to prohibit disposal of tetrachloroethylene, either on solvent-contaminated wipes or in laundry sludge that exhibits the tetrachloroethylene toxicity characteristic (TC) in nonhazardous waste landfills. Another approach could be eliminating wipes contaminated with tetrachloroethylene from the scope of the final exclusions for solvent-contaminated wipes, or eliminating wipes contaminated with tetrachloroethylene that exhibit the TC in the scope of the final exclusions for solvent-contaminated wipes. We are requesting comment on these approaches or other possible alternatives.

#### IV. Conclusion

We will consider comments received on the revised risk analysis and then modify the analysis as appropriate. The final risk analysis, comments submitted in response to Section III of this notice, and comments submitted in response to the November 2003 proposed rule will be considered as we develop a final rule for the management of solvent-contaminated wipes.

Readers should note that other than the specific issues identified in this NODA, no other issues discussed in or related to the November 20, 2003,

proposed rule are open for further comment and the Agency will not respond to any comments received on any issues not identified in this NODA.

Dated: October 15, 2009.

**Mathy Stanislaus,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. E9-25812 Filed 10-26-09; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1075]

#### 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 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 January 25, 2010.

**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-1075, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW.,

Washington, DC 20472, (202) 646-2820, or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@dhs.gov).

#### FOR FURTHER INFORMATION CONTACT:

Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@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 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.

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.

Accordingly, 44 CFR part 67 is proposed to be amended 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.

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

**PART 67—[AMENDED]**

1. The authority citation for part 67 continues to read as follows:

**§ 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	
<b>Peoria County, Illinois, and Incorporated Areas</b>				
Illinois River .....	Peoria/Fulton County Boundary .....	+455	+454	Unincorporated Areas of Peoria County, City of Peoria, City of Peoria, Village of Bartonville, Village of Kingston Mines, Village of Mapleton.
	Approximately 1.27 Miles downstream of the Peoria and Peoria Union Railroad.	+459	+458	

\* 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 Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Peoria**

Maps are available for inspection at City Hall, 111 South Capital Street, Peoria, IL 61554.

**City of Peoria**

Maps are available for inspection at City Hall, 419 Fulton Street, Peoria, IL 61602.

**Unincorporated Areas of Peoria County**

Maps are available for inspection at the Planning and Zoning Department, 324 Main Street, Room 301, Peoria, IL 61602.

**Village of Bartonville**

Maps are available for inspection at the Village Hall, 5912 South Adams Street, Bartonville, IL 61607.

**Village of Kingston Mines**

Maps are available for inspection at the Planning and Zoning Department, 324 Main Street, Room 301, Peoria, IL 61602.

**Village of Mapleton**

Maps are available for inspection at the Planning and Zoning Department, 324 Main Street, Room 301, Peoria, IL 61602.

**Clayton County, Iowa, and Incorporated Areas**

Mississippi River .....	Clayton/Dubuque County boundary .....	None	+616	Unincorporated Areas of Clayton County, City of Clayton, City of Guttenberg, City of Marquette, City of McGregor, City of North Buena Vista.
	Clayton/Allamakee County boundary, approximately 2.5 miles upstream of the Marquette-Joliet U.S. Route 18 Bridge.	None	+629	

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		Effective	Modified	

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**ADDRESSES**

**City of Clayton**

Maps are available for inspection at 302 Main Street, Clayton, IA 52049.

**City of Guttenberg**

Maps are available for inspection at 502 South 1st Street, Guttenberg, IA 52052.

**City of Marquette**

Maps are available for inspection at 88 North Street, Marquette, IA 52158.

**City of McGregor**

Maps are available for inspection at 416 Main Street, McGregor, IA 52157.

**City of North Buena Vista**

Maps are available for inspection at 502 Walnut Street, North Buena Vista, IA 52066.

**Unincorporated Areas of Clayton County**

Maps are available for inspection at 100 Sandpit Road, Elkader, IA 52043.

**Jackson County, Iowa, and Incorporated Areas**

Deutel Hollow Branch 2 .....	At the confluence of Deutel Hollow Branch 2 and Mill Creek.	None	+613	City of Bellevue.
Deutel Hollow Main Branch ..	Approximately 170 feet upstream of Park Street .....	None	+623	City of Bellevue.
	At the confluence of Deutel Hollow Main Branch and Mill Creek.	None	+614	
Mill Creek .....	Immediately downstream of Maple Street .....	None	+680	Unincorporated Areas of Jackson County.
	At the confluence of Mill Creek and Mississippi River	None	+602	
	Approximately 0.28 mile upstream of Riverview Street	None	+604	
Mississippi River .....	Approximately 0.74 mile downstream of State Highway 62.	None	+614	Unincorporated Areas of Jackson County.
	Approximately 0.25 mile upstream of State Highway 62.	None	+629	
	Clinton/Jackson County boundary .....	None	+594	
Prairie Creek .....	Approximately 11 miles upstream of Lock & Dam 12	None	+603	City of Maquoketa, Unincorporated Areas of Jackson County.
	Approximately 150 feet downstream of South Main Street.	None	+677	
	Just downstream of U.S. Route 61 .....	None	+681	

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**ADDRESSES**

**City of Bellevue**

Maps are available for inspection at 106 North 3rd Street, Bellevue, IA 52031.

**City of Maquoketa**

Maps are available for inspection at 201 East Pleasant Street, Maquoketa, IA 52060.

**Unincorporated Areas of Jackson County**

Maps are available for inspection at 201 West Platt Street, Maquoketa, IA 52060.

**Jones County, Iowa, and Incorporated Areas**

Maquoketa River .....	Approximately 425 feet downstream of U.S. Highway 151.	None	+803	Unincorporated Areas of Jones County.
	Approximately 0.73 mile upstream of U.S. Highway 151.	None	+805	
Unnamed Stream .....	Approximately 600 feet downstream of U.S. Highway 151.	None	+818	Unincorporated Areas of Jones County.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 250 feet downstream of U.S. Highway 151.	None	+819	

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#### ADDRESSES

##### Unincorporated Areas of Jones County

Maps are available for inspection at the County Courthouse, 500 West Main Street, Anamosa, IA 52205.

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

North Fork Spring River .....	Approximately 6,200 feet downstream of Village of Lamar Heights corporate limits.	None	+935	Unincorporated Areas of Barton County, Village of Lamar Heights.
	Approximately 600 feet upstream of City of Lamar corporate limits.	None	+942	

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#### ADDRESSES

##### Unincorporated Areas of Barton County

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

##### Village of Lamar Heights

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

#### Henry County, Missouri, and Incorporated Areas

Harry S. Truman Reservoir ...	Shoreline of Harry S. Truman Reservoir .....	None	+741	City of Calhoun, City of Brownington, City of Deepwater, City of Hartwell, City of Ladue, City of Ulrich, Unincorporated Areas of Henry County.
Montrose Reservoir .....	Shoreline of Montrose Reservoir .....	None	+755	Unincorporated Areas of Henry County.

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#### ADDRESSES

##### City of Brownington

Maps are available for inspection at 100 West Franklin Street, Clinton, MO 64735.

##### City of Calhoun

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	

Maps are available for inspection at 201 East Main Street, Calhoun, MO 65323.

**City of Deepwater**

Maps are available for inspection at 259 Southwest Highway 52, Deepwater, MO 64740.

**City of Hartwell**

Maps are available for inspection at 100 West Franklin Street, Clinton, MO 64735.

**City of Ladue**

Maps are available for inspection at 100 West Franklin Street, Clinton, MO 64735.

**City of Urich**

Maps are available for inspection at 308 Main Street, Urich, MO 64788.

**Unincorporated Areas of Henry County**

Maps are available for inspection at 100 West Franklin Street, Clinton, MO 64735.

**Lafayette County, Missouri, and Incorporated Areas**

Missouri River .....	Approximately U.S. Highway 24 .....	None	+677	City of Waverly.
	Approximately 1,100 feet upstream of U.S. Highway 24.	None	+678	
Missouri River .....	Approximately 53,000 feet upstream of U.S. Highway 24.	*686	+684	Unincorporated Areas of Lafayette County, City of Lexington, City of Napoleon, City of Wellington.
	Approximately 2,825 feet downstream of the county boundaries of Jackson and Lafayette Counties.	*711	+709	

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**ADDRESSES**

**City of Lexington**

Maps are available for inspection at 919 Franklin Street, Lexington, MO 64067.

**City of Napoleon**

Maps are available for inspection at 191 West 2nd Street, Napoleon, MO 64074.

**City of Waverly**

Maps are available for inspection at 111 East Kelling Avenue, Waverly, MO 64096.

**City of Wellington**

Maps are available for inspection at 101 East 4th Street, Wellington, MO 64097.

**Unincorporated Areas of Lafayette County**

Maps are available for inspection at 1106 Main Street, Lexington, MO 64067.

**Newton County, Missouri, and Incorporated Areas**

Shoal Creek .....	Approximately 400 feet upstream of the Town of Grand Falls Plaza corporate limits.	*891	+887	Town of Grand Falls Plaza.
Shoal Creek .....	Approximately 75 feet downstream of Shoal Creek Estates corporate limits.	None	+898	Town of Shoal Creek Drive.
	Approximately 175 feet upstream of Shoal Creek Drive corporate limits.	None	+903	
Shoal Creek .....	Approximately 75 feet downstream of Shoal Creek Estates corporate limits.	None	+915	City of Shoal Creek Estates.
Shoal Creek .....	Approximately 150 feet downstream of Village of Cliff Village corporate limits.	None	+906	Village of Cliff Village.
South Indian Creek .....	Approximately 300 feet downstream of Ozark Street ..	None	+1119	City of Stella.
	Approximately 150 feet upstream of Ozark Street .....	None	+1122	

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+ North American Vertical Datum.

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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)		Communities affected
		Effective	Modified	

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#### ADDRESSES

##### City of Shoal Creek Estates

Maps are available for inspection at 101 South Wood Street, Neosho, MO 64850.

##### City of Stella

Maps are available for inspection at 744 Ozark Street, Stella, MO 64867.

##### Town of Grand Falls Plaza

Maps are available for inspection at 101 South Wood Street, Neosho, MO 64850.

##### Town of Shoal Creek Drive

Maps are available for inspection at 101 South Wood Street, Neosho, MO 64850.

##### Village of Cliff Village

Maps are available for inspection at 101 South Wood Street, Neosho, MO 64850.

#### Grand Forks County, North Dakota, and Incorporated Areas

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD)	+ Elevation in feet (NAVD)	# Depth in feet above ground	Communities affected
Red River of the North .....	Approximately 2,137 feet downstream of 13th Avenue NE Extended.	+835	+837		City of Grand Forks, Unincorporated Areas of Grand Forks County.
	Just downstream of the Southern Grand Forks County limit.	None	+854		

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#### ADDRESSES

##### City of Grand Forks

Maps are available for inspection at 225 North 4th Street, Grand Forks, ND 58506.

##### Unincorporated Areas of Grand Forks County

Maps are available for inspection at 151 South 4th Street, Grand Forks, ND 58506.

#### Butler County, Ohio, and Incorporated Areas

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD)	+ Elevation in feet (NAVD)	# Depth in feet above ground	Communities affected
Dicks Creek .....	Approximately 500 feet upstream of Main Street .....	None	+631		City of Middletown, City of Monroe, Unincorporated Areas of Butler County.
	Approximately 1,270 feet upstream of Cincinnati-Dayton Road.	None	+660		
Elk Creek .....	Approximately 0.7 mile downstream of Howe Road ....	None	+648		City of Trenton.
	Approximately 0.5 mile downstream of Howe Road ....	None	+654		
Four Mile Creek .....	Approximately 1,250 feet upstream of Bonham Road	None	+796		City of Oxford.
Four Mile Creek .....	Approximately 0.7 mile upstream of Seven Mile Avenue.	None	+600		Village of New Miami.
	Approximately 0.8 mile upstream of Seven Mile Avenue.	None	+601		
GM Ditch .....	At the confluence of GM Ditch with Pleasant Run .....	+595	+596		City of Fairfield.
	Approximately 1,200 feet upstream of Symmes Road	None	+605		
Great Miami River .....	Approximately 0.5 mile downstream of State Route 73	None	+637		City of Middletown.
	Approximately 1.5 mile upstream of State Route 4 .....	None	+661		
Great Miami River .....	Approximately 1.4 mile upstream of the confluence of Great Miami River with Gregory Creek.	None	+626		City of Trenton.
Jackson Ditch .....	Approximately 1,000 feet downstream of Wehr Road	None	+627		Unincorporated Areas of Butler County.
Jackson Ditch East Fork .....	Approximately 1,840 feet upstream of Trenton Road ..	None	+649		Unincorporated Areas of Butler County.
	At the confluence of Jackson Ditch East Branch of East Fork with Jackson Ditch East Fork.	None	+701		

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	
Jackson Ditch East Fork .....	Approximately 110 feet upstream of Howe Road ..... At the confluence of Jackson Ditch East Fork with Jackson Ditch.	None None	+750 +651	Unincorporated Areas of Butler County, City of Trenton.
Jackson Ditch West Fork .....	Approximately 80 feet upstream of Howe Road ..... At the confluence of Jackson Ditch West Fork with Jackson Ditch.	None None	+756 +651	Unincorporated Areas of Butler County.
Mill Creek .....	Approximately 130 feet upstream of Howe Road ..... Just downstream of Seward Road .....	None None	+807 +606	City of Hamilton.
Millers Creek .....	Approximately 190 feet upstream of Seward Road ..... Approximately 500 feet downstream of the railroad .... Approximately 400 feet downstream of Cincinnati-Dayton Road.	None None None	+609 +652 +654	City of Middletown.
Pleasant Run .....	Just upstream of Groh Lane ..... Just downstream of East River Road .....	+570 +581	+566 +584	City of Fairfield.
Pleasant Run Branch No. 4 ..	Just upstream of Nilles Road ..... Just upstream of John Gray Road ..... At the confluence of Pleasant Run Branch No. 4 with Pleasant Run.	+597 +663 +607	+598 +665 +610	City of Fairfield.
Shakers Creek .....	Just upstream of Resor Road ..... At the confluence of Shakers Creek with Dicks Creek Just downstream of Cincinnati-Dayton Road .....	None None None	+634 +650 +654	City of Middletown.

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**ADDRESSES**

**City of Fairfield**

Maps are available for inspection at 5350 Pleasant Avenue, Fairfield, OH 45014.

**City of Hamilton**

Maps are available for inspection at 20 High Street, Hamilton, OH 45011.

**City of Middletown**

Maps are available for inspection at One Donham Plaza, Middletown, OH 45042.

**City of Monroe**

Maps are available for inspection at 233 South Main Street, Monroe, OH 45050.

**City of Oxford**

Maps are available for inspection at 101 East High Street, Oxford, OH 45056.

**City of Trenton**

Maps are available for inspection at 11 East State Street, Trenton, OH 45067.

**Unincorporated Areas of Butler County**

Maps are available for inspection at 130 High Street, 3rd Floor, Hamilton, OH 45011.

**Village of New Miami**

Maps are available for inspection at 268 Whitaker Avenue, Hamilton, OH 45011.

**Warren County, Ohio, and Incorporated Areas**

Hoff Run .....	Just upstream of the confluence of Hoff Run with Great Miami River.	None	+613	City of Mason.
	Approximately 1,535 feet upstream of Eagle View Drive.	None	+829	
Little Miami River .....	Approximately 1.6 mile upstream of South Main Street.	None	+634	Village of South Lebanon.
Muddy Creek .....	Approximately 0.4 mile downstream of Mason-Morrow-Millgrove Road.	None	+656	City of Mason.
	Just downstream of Tylersville Road .....	+801	+803	
Muddy Creek Branch No. 1 ..	Approximately 575 feet downstream of U.S. Route 42	+741	+742	City of Mason.
	Approximately 650 feet upstream of Mason Road .....	+821	+819	
Pine Run .....	Approximately 400 feet downstream of Kings Mill Road.	+754	+752	City of Mason.
	Approximately 0.5 mile upstream of Tylersville Road ..	None	+857	

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	
Satterthwaites Run .....	Approximately 1,400 feet upstream of U.S. Route 42	None	+767	Unincorporated Areas of Warren County.
Turtle Creek .....	Approximately 1,465 feet upstream of U.S. Route 42 Approximately 530 feet upstream of Mason-Morrow-Millgrove Road.	None None	+768 +634	
Twin Creek No. 2 .....	Approximately 1,190 feet downstream of Interstate 71 Just upstream of Pennyroyal Road .....	None None	+635 +874	Unincorporated Areas of Warren County.
	Approximately 1,250 feet upstream of Pennyroyal Road.	None	+882	

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#### ADDRESSES

##### City of Mason

Maps are available for inspection at 202 West Main Street, Mason, OH 45040.

##### Unincorporated Areas of Warren County

Maps are available for inspection at 406 Justice Drive, Room 167, Lebanon, OH 45036.

##### Village of South Lebanon

Maps are available for inspection at 99 North High Street, Lebanon, OH 45065.

#### Columbia County, Oregon, and Incorporated Areas

Nehalem River .....	Approximately 0.29 mile upstream of State Highway 47 bridge.	+610	+613	City of Vernonia, Unincorporated Areas of Columbia County.
Rock Creek .....	Approximately 0.46 mile downstream of Sword Place Approximately at confluence with Nehalem River .....	+621 +618	+623 +620	
	Rock Creek Overbank .....	Approximately 0.72 mile upstream of Bridge Street ....	+621	+622
Approximately at confluence of Rock Creek .....		+615	+617	
Approximately 400 feet upstream of Washington Avenue.		+619	+621	

\* 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 Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Vernonia

Maps are available for inspection at 1001 Bridge Street, Vernonia, OR 97064.

##### Unincorporated Areas of Columbia County

Maps are available for inspection at 230 Strand Street, St. Helens, OR 97051.

#### Washington County, Rhode Island (All Jurisdictions)

Mattatuxet River .....	At the confluence with Pettaquamscutt River .....	+11	+10	Town of North Kingstown.
	At downstream side of Gilbert Stuart Dam .....	+11	+10	



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	
Narragansett Bay (Mill Creek).	From a point approximately 500 feet northwest of the intersection of Asqah Drive and Camp Avenue, extending northeast to Quonset Road and following the unnamed tributary to Mill Creek, to a point approximately 600 feet east of the intersection of Camp Avenue and Gateway Road.	None	+12	Town of North Kingstown.
Pawcatuck River .....	Approximately 70 feet upstream of Ashaway Road (State Route 3).	None	+33	Town of Hopkinton, Town of Richmond.
	Approximately 1,518 feet upstream of Biscuit City Road.	None	+89	
Pettaquamscutt River .....	At Town of North Kingstown/South Kingstown/Narragansett corporate limits (approximately 5,060 feet upstream of Bridgetown Road).	+11	+10	Town of North Kingstown.
Tomaquag Brook .....	At the confluence with Mattatuxet River .....	+11	+10	Town of Hopkinton.
	At the confluence with Pawcatuck River .....	None	+35	
	Approximately 1,210 feet downstream of Chase Hill Road.	+33	+35	

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+ North American Vertical Datum.

# Depth in feet above ground.

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**Town of Hopkinton**

Maps are available for inspection at the Town Hall, 1 Town House Road, Hopkinton, RI 02833.

**Town of North Kingstown**

Maps are available for inspection at the Department of Public Works and Engineering, 2050 Davisville Road, North Kingstown, RI 02852.

**Town of Richmond**

Maps are available for inspection at the Town Hall, 5 Richmond Townhouse Road, Wyoming, RI 02898.

**Crawford County, Wisconsin, and Incorporated Areas**

Baker Creek .....	Approximately 590 feet downstream of confluence with the Unnamed Tributary to Baker Creek.	+759	+758	Village of Soldiers Grove.
	Approximately 230 feet downstream of U.S. Highway 61.	+777	+778	
Kickapoo River .....	Just over 1 mile upstream of State Highway 179 .....	None	+672	Village of Steuben, Unincorporated Areas of Crawford County.
	3,190 feet upstream of Bridge Street .....	None	+676	
	1,540 feet upstream of County Highway S .....	None	+695	
	Approximately 1.75 mile upstream of State Highway 171.	None	+705	
Mississippi River .....	Approximately 0.8 mile upstream from Trout Creek Road.	None	+734	Village of De Soto, City of Prairie Du Chien, Unincorporated Areas of Crawford County, Village of Ferryville, Village of Lynxville.
	At River Mile Marker 636 .....	+630	+629	
	Approximately 4.25 miles upstream from State Highway 82.	+634	+633	
Unnamed Tributary to Baker Creek.	3,075 feet upstream of U.S. Highway 61 .....	None	+902	Unincorporated Areas of Crawford County.
Wisconsin River .....	205 feet downstream of River Mile Marker 15 .....	+642	+640	Village of Wauzeka.
	1,245 feet upstream of River Mile Marker 17 .....	+644	+643	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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	

^ 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 Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Prairie Du Chien

Maps are available for inspection at 214 East Blackhawk Avenue, Prairie Du Chien, WI 53821.

##### Unincorporated Areas of Crawford County

Maps are available for inspection at 225 North Beaumont Road, Prairie Du Chien, WI 53821.

##### Village of De Soto

Maps are available for inspection at 115 South Houghton Street, De Soto, WI 54624.

##### Village of Ferryville

Maps are available for inspection at 170 Pine Street, Ferryville, WI 54628.

##### Village of Lynxville

Maps are available for inspection at 475 Bench Street, Lynxville, WI 54626.

##### Village of Soldiers Grove

Maps are available for inspection at 102 Passive Sun Drive, Soldiers Grove, WI 54655.

##### Village of Steuben

Maps are available for inspection at 123 Midway Street, Steuben, WI 54657.

##### Village of Wauzeka

Maps are available for inspection at 213B East Front Street, Wauzeka, WI 53826.

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

##### Deborah S. Ingram,

Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9-25861 Filed 10-26-09; 8:45 am]

BILLING CODE 9110-12-P

#### DEPARTMENT OF THE INTERIOR

##### Fish and Wildlife Service

##### 50 CFR Part 17

[Docket No. FWS-R6-ES-2009-0064]

[MO 922105 0083-B2]

##### Endangered and Threatened Wildlife and Plants; 90-day Finding on a Petition To List the American Dipper in the Black Hills of South Dakota as Threatened or Endangered

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

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the distinct population segment (DPS) of American dipper (*Cinclus mexicanus*

*unicolor*) in the Black Hills of South Dakota as threatened or endangered and designate critical habitat under the Endangered Species Act of 1973, as amended (Act). For the purposes of this finding, we evaluated whether the petition presents substantial information to indicate whether the petitioned entity (the American dipper in the Black Hills of South Dakota) is a listable entity. Based on our review of the best available scientific and commercial information, we conclude that the American dipper in the Black Hills of South Dakota is not a listable entity under the Act. Because the petition did not present substantial information that the American dipper in the Black Hills of South Dakota is a DPS, we did not evaluate whether the information contained in the petition regarding threats was substantial. Therefore, we will not initiate a status review to determine if listing this subspecies is warranted in response to this petition. However, the public may submit to us new information concerning the subspecies, its status, or threats to it at any time.

**DATES:** You may submit new information concerning this subspecies for our consideration at any time.

**ADDRESSES:** This finding is available on the Internet at <http://www.regulations.gov>. Supporting

documentation we used in preparing this finding is available for public inspection, by appointment, during normal business hours at the South Dakota Ecological Services Office, U.S. Fish and Wildlife Service, 420 South Garfield Avenue, Suite 400, Pierre, SD 57501. Please submit any new information, materials, comments, or questions concerning this finding to the above address.

**FOR FURTHER INFORMATION CONTACT:** Pete Gober, Field Supervisor, South Dakota Ecological Services Office (see **ADDRESSES** section) (telephone 605-224-8693). If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

##### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. We are to base this finding on information provided in the petition, supporting information submitted with the petition, and information otherwise available in our files at the time we make the determination. To the