

**ADDRESSES:** The modified 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:** 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 modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The 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 to remain qualified for participation in the National Flood Insurance Program (NFIP).

These 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. The BFE changes are in accordance with 44 CFR 65.4.

*National Environmental Policy Act.* This interim 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 interim 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 interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

*Executive Order 12988, Civil Justice Reform.* This interim rule meets the applicable standards of Executive Order 12988.

#### List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

#### PART 65—[AMENDED]

■ 1. The authority citation for part 65 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.

#### § 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
New York: Suffolk ....	Town of Southampton (09-02-1473P).	March 4, 2010; March 11, 2010; <i>Southampton Press</i> .	The Honorable Anna Throne-Holst, Southampton Town Board Supervisor, 116 Hampton Road, Southampton, NY 11968.	August 19, 2010 .....	365342
Pennsylvania: York ..	Township of Dover (09-03-1919P).	March 5, 2010; March 12, 2010; <i>York Daily Record</i> .	Mr. Curtis Kann, Chairperson, Township of Dover Board of Supervisors, 2480 West Canal Road, Dover, PA 17315.	February 26, 2010 .....	420920
Texas:					
Collin .....	City of Allen (09-06-3028P).	November 6, 2009; November 13, 2009; <i>McKinney Courier-Gazette</i> .	The Honorable Stephen Terrell, Mayor, City of Allen, 305 Century Parkway, Allen, TX 75013.	October 28, 2009 .....	480131
Collin .....	City of McKinney (09-06-3028P).	November 6, 2009; November 13, 2009; <i>McKinney Courier-Gazette</i> .	The Honorable Brian Loughmiller, Mayor, City of McKinney, 222 North Tennessee Street, P.O. Box 517, McKinney, TX 75069.	October 28, 2009 .....	480135
Travis .....	City of Austin (09-06-3398P).	March 10, 2010; March 17, 2010; <i>Austin American-Statesman</i> .	The Honorable Lee Leffingwell, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	July 15, 2010 .....	480624

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

Dated: March 24, 2010.

**Sandra K. Knight,**

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

[FR Doc. 2010-8047 Filed 4-8-10; 8:45 am]

**BILLING CODE 9110-12-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:** 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) 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>Madison County, Alabama, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1057</b>			
Aldridge Creek .....	Approximately 0.4 mile upstream of Green Cove Road .....	+576	City of Huntsville.
	Approximately 75 feet downstream of Drake Avenue .....	+682	

\* 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 Huntsville**

Maps are available for inspection at 308 Fountain Circle Southwest, Huntsville, AL 35804.

<b>Sebastian County, Arkansas, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1035</b>			
Adamson Creek .....	At South Coker Street .....	+494	City of Greenwood, Unincorporated Areas of Sebastian County.
	Approximately 2,000 feet upstream of U.S. Route 7 .....	+533	
Heartsill Creek .....	At West Denver Street .....	+510	City of Greenwood, Unincorporated Areas of Sebastian County.
	Approximately 180 feet downstream of Hester Cut Road ..	+575	
Heartsill Creek Tributary 1 .....	At the confluence with Heartsill Creek .....	+525	City of Greenwood.
	Approximately 700 feet upstream of Meadow Bridge Drive intersection.	+547	

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
Hester Creek .....	Approximately 280 feet upstream of West Center Street ...	+510	City of Greenwood, Unincorporated Areas of Sebastian County.
Little Vache Grasse Creek .....	Approximately 600 feet upstream of Hester Cut Road .....	+547	City of Barling
	At the confluence with Unnamed Stream .....	+402	
Little Vache Grasse Creek Tributary 9.	Approximately 4,060 feet upstream of Rye Hill Road .....	+479	City of Barling.
	At the confluence with Little Vache Grasse Creek .....	+434	
Unnamed Stream .....	Approximately 3,580 feet upstream of Unnamed Road .....	+478	City of Barling.
	At the confluence with Little Vache Grasse Creek .....	+445	
	Approximately 1,260 feet upstream of the confluence with Little Vache Grasse Creek.	+448	
Vache Grasse Creek .....	Approximately 5,200 feet downstream of Arkansas Highway 10.	+484	City of Greenwood, Unincorporated Areas of Sebastian County.
	Approximately 1,800 feet upstream of Steward Court .....	+541	

\* 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 Barling

Maps are available for inspection at 304 Church Street, Barling, AR 72923.

##### City of Greenwood

Maps are available for inspection at 35 South 6th Street, Fort Smith, AR 72901.

##### Unincorporated Areas of Sebastian County

Maps are available for inspection at 35 South 6th Street, Fort Smith, AR 72901.

#### Crawford County, Missouri, and Incorporated Areas Docket Nos.: FEMA-B-1028

Mermac River .....	Approximately 5,000 feet downstream of City of Steelville corporate limits.	+708	Unincorporated Areas of Crawford County.
	Approximately 150 feet upstream of Highway 19 .....	+719	
Whittenburg Creek .....	Approximately 120 feet downstream of Snake Road .....	+725	Unincorporated Areas of Crawford County, City of Steelville.
	Approximately 275 feet upstream of Highway 8 .....	+734	
Yadkin Creek .....	At the confluence with Whittenburg Creek .....	+731	Unincorporated Areas of Crawford County.
	Approximately 900 feet upstream of City of Steelville corporate limits.	+790	

\* 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 Steelville

Maps are available for inspection at 204 3rd Street, Steelville, MO 65565.

##### Unincorporated Areas of Crawford County

Maps are available for inspection at 302 Main Street, Steelville, MO 65565.

#### Stone County, Missouri, and Incorporated Areas Docket Nos.: FEMA-B-1028 and FEMA-B-1029

Crane Creek .....	Approximately 960 feet downstream of City of Crane corporate limits.	+1109	Unincorporated Areas of Stone County.
	Approximately 430 feet upstream of City of Crane corporate limits.	+1128	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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
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# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Unincorporated Areas of Stone County**

Maps are available for inspection at 108 4th Street, Galena, MO 65656

**Bee County, Texas, and Incorporated Areas  
Docket No.: FEMA-B-1032**

Salt Branch .....	Intersection of Unnamed Road and Salt Branch .....	+163	Unincorporated Areas of Bee County.
	Approximately 249 feet downstream of Emily Drive .....	+184	

\* 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 Bee County**

Maps are available for inspection at the Bee County Courthouse, 105 West Corpus Christi Street, Beeville, TX 78102

**Nacogdoches County, Texas, and Incorporated Areas  
Docket No.: FEMA-B-1043**

Bayou La Nana .....	Approximately 1,246 feet upstream of the confluence with Egg Nog Branch.	+248	Unincorporated Areas of Nacogdoches County.
Bayou La Nana .....	Approximately 523 feet downstream of Loop 224 .....	+255	Unincorporated Areas of Nacogdoches County, City of Nacogdoches.
Bayou La Nana .....	Approximately 921 feet upstream of Loop 224 .....	+317	
Bonita Creek .....	Just upstream of Old Post Oak Road .....	+320	Unincorporated Areas of Nacogdoches County, City of Nacogdoches.
Bonita Creek .....	Approximately 729 feet upstream of Loop 224 .....	+355	
Egg Nog Branch .....	Just upstream of U.S. Route 59 .....	+373	Unincorporated Areas of Nacogdoches County, City of Nacogdoches.
Egg Nog Branch .....	Approximately 1,246 feet upstream of the confluence with Bayou La Nana.	+248	
Toliver Branch .....	Approximately 727 feet downstream of Loop 224 .....	+284	Unincorporated Areas of Nacogdoches County, City of Nacogdoches.
Toliver Branch .....	At the confluence with Bayou La Nana .....	+317	
	Just upstream of Old Post Oak Road .....	+320	

\* 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 Nacogdoches**

Maps are available for inspection at City Hall, 202 East Pillar Street, Nacogdoches, TX 75963.

**Unincorporated Areas of Nacogdoches County**

Maps are available for inspection at 101 West Main Street, Nacogdoches, TX 75961.

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

Dated: March 26, 2010.

**Sandra K. Knight,**

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

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**BILLING CODE 9110-12-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### 46 CFR Part 393

[Docket No. MARAD-2010-0035]

RIN 2133-AB70

#### America's Marine Highway Program

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** On October 9, 2008, the Department of Transportation published an interim final rule that established America's Marine Highway Program, under which the Secretary will designate marine highway corridors and identify and support short sea transportation projects to expand domestic water transportation services as an alternative means of moving containerized and wheeled freight cargoes; mitigate the economic, environmental and energy costs of landside congestion; integrate the marine highway into the transportation planning process; and research improvements in efficiencies and environmental sustainability. This action is required by Public Law 110-140, the Energy Independence and Security Act of 2007. The interim final rule solicited comments, which are discussed in the "Section by Section Review" below and incorporated in this final rule. In addition, the interim final rule sought recommendations for designation of Marine Highway Corridors. This rule adopts the interim final rule, addresses Marine Highway Corridors (and continues to solicit recommendations for Marine Highway Corridor recommendations), and establishes eligibility requirements, criteria and information necessary to apply for designation as a Marine Highway Project by the Secretary of Transportation. Solicitations from applicants desiring Marine Highway Project designation will be initiated through notification in the **Federal Register** at a future date. This rule also sets forth the manner in which the

Department of Transportation will identify and recommend solutions to impediments to expanded use of marine highways and lays the groundwork for coordinating with States, private transportation providers, and local and Tribal governments, and conducting research related to marine highway development. The program should improve system capacity and efficiency, air quality, highway safety, and national security.

**DATES:** This final rule is effective April 9, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Michael Gordon, Office of Intermodal System Development, Marine Highways and Passenger Services, at (202) 366-5468, via e-mail at [michael.gordon@dot.gov](mailto:michael.gordon@dot.gov), or by writing to the Office of Marine Highways and Passenger Services, MAR-520, Suite W21-315, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

#### Background

Following the current economic slowdown, experts project that cargoes moving through our ports will return to pre-recession levels. In fact, freight tonnage of all types, including exports, imports, and domestic shipments, is expected to grow 73 percent by 2035 from 2008 levels ["Freight Facts and Figures 2009", U.S. Department of Transportation, Federal Highway Administration, Office of Freight Management and Operations; Table 2-1; November 2009]. The development of a capable, cost-effective, safe and resilient transportation system is essential to handling the movement of this cargo in a manner that is efficient with respect to cost, energy usage, and environmental consequences. Since nearly all international cargoes move along our surface transportation corridors to access or depart from seaports, which are major gateways for commerce, getting such cargoes to and from the major seaports could involve more usage of marine corridors to and from smaller and medium-sized maritime ports.

The challenges faced by our nation's transportation planners and policymakers involve making better use of existing infrastructure, addressing the need for more capacity in our freight corridors, and reducing the environmental impacts of transportation. In recent years, it has become increasingly evident that the Nation's existing road and rail infrastructure cannot adequately meet our future transportation needs. Land-based infrastructure expansion

opportunities are limited in many critical bottleneck areas due to geography or very high right-of-way acquisition costs. This is particularly severe in urban areas where there are additional concerns about emissions from transportation sources. Investments in additional infrastructure, particularly highways, must consider the full costs to society of more greenhouse gas emissions and pollutants and, potentially, the need to pay for such emissions in future transportation fees. Accordingly, new road and rail investments may not be feasible, desirable, or cost-beneficial in many instances.

The cost of expanding our existing land-based transportation systems, along with transportation efficiency and environmental concerns, has caused many policymakers to re-focus on the underutilized transportation capacity of the Nation's waterways. To help address these challenges, America's Marine Highways can represent a viable alternative where water transportation is an option. Expanding the Marine Highways can be done in a way that reduces emissions, will require less new infrastructure than land transportation alternatives, generates significant fuel savings, and can increase resiliency in the surface transportation system. The Marine Highways, consisting of more than 25,000 miles of inland, intracoastal, and coastal waterways, have considerable room for expansion. [U.S. Army Corps of Engineers, "Waterborne Commerce of the United States" (2005).] In fact, while the inland river system, Great Lakes, and coastal fleets still move a billion metric tons of cargo each year, less than 4 percent of the Nation's domestic freight (by volume) now moves by water. However, this is down from 1957 levels, when over 31 percent moved by water ["National Transportation Statistics 2009," U.S. Department of Transportation, Research and Innovative Technology Administration—Bureau of Transportation Statistics; Table 1-52: Freight Activity in the United States: 1993, 1997, 2002, and 2007].

Water transportation can be expanded quickly and at little incremental cost to meet freight traffic needs. In addition to offering abundant and reliable capacity under normal conditions, waterways provide critical resiliency to the transportation system during emergencies when land-based freight and passenger delivery systems are damaged. Especially in urban areas, the movement of both freight and passengers by waterway can represent an excellent opportunity to improve