

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.

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 Assistant Administrator for Mitigation 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
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**Pope County, Arkansas, and Incorporated Areas
Docket No.: FEMA-B-1028**

Arkansas River	At the intersection with the Arkansas Avenue bridge	+323	Unincorporated Areas of Pope County.
Lake Dardanelle	At the confluence with Lake Dardanelle Approximately 8.323 miles downstream of the Highway 40 bridge.	+340	Unincorporated Areas of Pope County, City of Russellville.
Whig Creek	At the intersection with the Pleasant View Road bridge Approximately 5,166 feet from South Frankfort Avenue Approximately 218 feet downstream of McHenry Road	+347	Unincorporated Areas of Pope County, City of Russellville.
		+330	
		+340	

* 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) modified	Communities affected
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^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Russellville

Maps are available for inspection at 716 North El Paso Avenue, Russellville, AR 72801.

Unincorporated Areas of Pope County

Maps are available for inspection at 420 North Hampton Avenue, Suite B, Russellville, AR 72801.

**Forrest County, Mississippi, and Incorporated Areas
Docket No.: FEMA-B-1016**

Black Creek	At the Forrest/Perry county boundary	+140	Unincorporated Areas of Forrest County.
Boggy Branch	At the Lamar/Forrest county boundary At the confluence with Greens Creek	+205 +172	Unincorporated Areas of Forrest County, City of Petal.
Gordons Creek	Approximately 2,870 feet upstream of Otis Lee Road Just upstream of West Street	+233 +159	City of Hattiesburg.
Greens Creek	Approximately 2,260 feet upstream of Interstate 59 At Chappell Hill Road	+252 +171	Unincorporated Areas of Forrest County, City of Petal.
Little Beaver Creek	Approximately 4,220 feet upstream of Robertson Road Approximately 2,820 feet downstream of Churchwell Road	+242 +187	Unincorporated Areas of Forrest County.
Mixons Creek	At the Lamar/Forrest county boundary At U.S. Route 49	+237 +163	City of Hattiesburg.
Mixons Creek Tributary 1	At I-59 Approximately 120 feet upstream of I-59	+176 +176	
Mixons Creek Tributary 2	Approximately 380 feet upstream of I-59 Approximately 2,080 feet downstream of West 4th Street	+176 +193	City of Hattiesburg.
Mixons Creek Tributary 4	Approximately 2,900 feet upstream of Dogwood Cove Approximately 3,800 feet upstream of Dogwood Cove	+197 +204	City of Hattiesburg.
Mixons Creek Tributary 2	Approximately 118 feet downstream of Spring Hill Drive ... Approximately 1,460 feet upstream of Bridges Circle	+190 +208	City of Hattiesburg.
Unnamed Tributary 2	Just upstream of Joy Drive Approximately 1.8 mile upstream of Joy Drive	+196 +283	City of Hattiesburg.
Mixons Creek Tributary 3	Approximately 111 feet downstream of Hillcrest Loop Approximately 335 feet upstream of Chandler Lane	+149 +188	City of Petal.

* 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 Hattiesburg

Maps are available for inspection at City Hall, 200 Forrest Street, Hattiesburg, MS 39401.

City of Petal

Maps are available for inspection at City Hall, 107 West 8th Avenue, Petal, MS 39401.

Unincorporated Areas of Forrest County

Maps are available for inspection at the Forrest County Courthouse, 629 Main Street, Hattiesburg, MS 39401.

**Lamar County, Mississippi, and Incorporated Areas
Docket No.: FEMA-B-1018**

Gordons Creek	At I-59	+252	Unincorporated Areas of Lamar County.
Little Beaver Creek	Approximately 1,984 feet upstream of I-59 Approximately 0.8 mile downstream of Browns Bridge Road	+252 +227	Unincorporated Areas of Lamar County.
Mill Creek No. 1	Approximately 210 feet upstream of Browns Bridge Road Approximately 1,800 feet downstream of Hardie Road	+237 +260	Unincorporated Areas of Lamar County, Town of Sumrall.
Mixons Creek Tributary 3	Approximately 1.6 mile upstream of State Highway 42 Approximately 935 feet upstream of the confluence with Mixons Creek	+313 +187	Unincorporated Areas of Lamar 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) modified	Communities affected
	Approximately 1.5 mile upstream of the confluence with Mixons Creek.	+235	

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

ADDRESSES

Town of Sumrall

Maps are available for inspection at the Town Hall, 4880 Highway 589, Sumrall, MS 39482.

Unincorporated Areas of Lamar County

Maps are available for inspection at the County Administrator's Office, 403 Main Street, Purvis, MS 39475.

**Cortland County, New York (All Jurisdictions)
 Docket No.: FEMA-B-7784**

Blue Creek	At the confluence with Dry Creek	+1185	Town of Cortlandville.
Dry Creek	Approximately 215 feet upstream of Kinney Gulf Road	+1204	
	Approximately 720 feet downstream of North Main Street	+1116	City of Cortland, Town of Cortlandville.
	Approximately 330 feet upstream of Kinney Gulf Road	+1211	
Gridley Creek	At the confluence with the Tioughnioga River	+1044	Town of Virgil.
	Approximately 1.8 mile upstream of Page Green Road	+1462	
Gridley Creek Tributary 9	At the confluence with Gridley Creek	+1354	Town of Virgil.
	Approximately 1,915 feet upstream of State Route 392	+1396	
Gridley Creek Tributary 9-1	At the confluence with Hope Lake	+1429	Town of Virgil.
	Approximately 0.4 mile upstream of Clute Road	+1564	
Hope Lake	Entire shoreline within the Town of Virgil	+1429	Town of Virgil.
Mosquito Creek	Approximately 50 feet upstream of West Center Street	+1150	Town of Cortlandville, Village of McGraw.
	Approximately 0.78 mile upstream of Heath Road	+1509	
Otselic River	Approximately 991 feet downstream of Route 23	+1034	Town of Cincinnatus.
	Approximately 1.6 mile upstream of Telephone Road	+1053	
Otter Creek	Approximately 130 feet upstream of North Main Street	+1121	City of Cortland, Town of Cortlandville.
	Approximately 70 feet upstream of State Route 13	+1186	
Otter Creek Tributary 3	At the confluence with Otter Creek	+1170	Town of Cortlandville.
	Approximately 1,000 feet upstream of Gutchess Lumber Service Road.	+1170	
Skaneateles Lake	Entire shoreline within the Town of Scott	+867	Town of Scott.
Song Lake	Entire shoreline within the Town of Preble	+1195	Town of Preble.
Tioughnioga River Reach 2	Approximately 0.58 mile downstream of Main Street	+1014	Town of Marathon, Village of Marathon.
	Approximately 0.85 mile upstream of Main Street	+1023	
Trout Brook	At Town of Solon Corporate Limits, approximately 1.280 mile upstream of Hollow Road.	+1204	Town of Solon.
	Approximately 1.288 mile upstream of Hollow Road	+1204	
Tully Lake	Entire shoreline within the Town of Preble	+1195	Town of Preble.

* 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 Cortland

Maps are available for inspection at City Hall, 25 Court Street, Cortland, NY 13045.

Town of Cincinnatus

Maps are available for inspection at the Town Hall, 2770 Lower Cincinnatus Road, Cincinnatus, NY 13040.

Town of Cortlandville

Maps are available for inspection at the Cortlandville Town Hall, Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, NY 13045.

Town of Marathon

Maps are available for inspection at the Town of Marathon Highway Department, 16 Brink Street, Marathon, NY 13803.

Town of Preble

Maps are available for inspection at the Town Hall, 1968 Preble Road, Preble, NY 13141.

Town of Scott

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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Maps are available for inspection at the Scott Town Hall, 6689 State Route 41, Homer, NY 13077.

Town of Solon

Maps are available for inspection at the Solon Town Hall, 4012 North Tower Road, East Freetown, NY 13040.

Town of Virgil

Maps are available for inspection at the Virgil Town Hall, 1176 Church Street, Cortland, NY 13045.

Village of Marathon

Maps are available for inspection at the Marathon Village Hall, 18 Tannery Street, Marathon, NY 13803.

Village of McGraw

Maps are available for inspection at the Village Hall, 1 Cemetery Street, McGraw, NY 13101.

**Coshocton County, Ohio, and Incorporated Areas
Docket No.: FEMA-B-1020**

Muskingum River	170 feet upstream of the railroad crossing over the Muskingum River east of the Village of Conesville. 260 feet upstream of the railroad crossing over the Muskingum River east of the Village of Conesville.	+737 +737	Village of Conesville.
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* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

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

ADDRESSES

Village of Conesville

Maps are available for inspection at the Coshocton County Engineer's Office, 23194 County Road 621, Coshocton, OH 43812.

**Chippewa County, Wisconsin, and Incorporated Areas
Docket No.: FEMA-B-7799**

Chippewa River	Just upstream of the Jim Falls Dam Powerhouse Just downstream of the Cornell Dam	+955 +980	Unincorporated Areas of Chippewa County, City of Cornell.
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* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

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

ADDRESSES

City of Cornell

Maps are available for inspection at City Hall, 222 Main Street, Cornell, WI 54732.

Unincorporated Areas of Chippewa County

Maps are available for inspection at the Chippewa County Clerk's Office, 711 North Bridge Street, Room 109, Chippewa Falls, WI 54729.

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

Sandra K. Knight,

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

[FR Doc. 2010-4070 Filed 2-25-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1135

[STB Ex Parte No. 682]

Annual Submission of Tax Information for Use in the Revenue Shortfall Allocation Method

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is amending 49 CFR part 1135 to add a rule that requires the Association of American Railroads (AAR) to annually update each Class I

railroad's weighted average State tax rate for use in the Revenue Shortfall Allocation Method (RSAM). RSAM is one of three benchmarks that together are used to determine the reasonableness of a challenged rate under the Board's *Simplified Standards for Rail Rate Cases*, STB Docket No. 646 (Sub-No. 1) (STB served Sept. 5, 2007) (*Simplified Standards*).¹ The new rule requires that the AAR submit this information by May 30 of each year.

¹ *Aff'd sub nom. CSX Transp., Inc. v. STB*, 568 F.3d 236 (DC Cir. 2009), and vacated in part on other grounds on reh'g, *CSX Transp., Inc. v. STB*, 584 F.3d 1076 (DC Cir. 2009).