

federalism implications under Executive Order 13132.

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

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR Part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 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.

§ 64.6 [Amended]

The tables published under the authority of § 64.6 are amended as follows:

State	Location	Community No.	Date certain Federal assistance no longer available in special flood hazard area and the sale of flood insurance no longer available in the community	Current effective map date
Region IV				
Tennessee	Brentwood, City of	470205	February 17, 2010	September 29, 2006.

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

Dated: January 21, 2010.

Sandra K. Knight,

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

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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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**Colbert County, Alabama, and Incorporated Areas
Docket No.: FEMA-B-1010**

Pond Creek	At Wilson Dam Highway	+514	City of Muscle Shoals, Unincorporated Areas of Colbert County.
	0.5 mile downstream of Pepi Drive	+515	
Sink Hole 10	South of 6th Street, between Elledge Lane and Industrial Drive.	+493	City of Muscle Shoals.
Sink Hole 10A	At Oak Villa Drive, approximately 550 feet west of Elledge Lane.	+494	City of Muscle Shoals.
Sink Hole 10B	Bordered by Oak Villa Lane to the south, Oak Villa Drive to the east, and Cypress Street to the north.	+494	City of Muscle Shoals.
Sink Hole 11	North of 6th Street, between Laurel Oak Drive and Brooke Drive.	+498	City of Muscle Shoals.
Tennessee River	At the U.S. 72 crossing	+431	Unincorporated Areas of Colbert County.
	At the border between Lauderdale, Colbert, and Lawrence Counties.	+509	

* 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 Muscle Shoals

Maps are available for inspection at 2010 East Avalon Avenue, Muscle Shoals, AL 35662.

Unincorporated Areas of Colbert County

Maps are available for inspection at 201 North Main Street, Tuscumbia, AL 35674.

**Powell County, Kentucky, and Incorporated Areas
Docket No.: FEMA-B-1025**

Red River (at City of Stanton) ..	Approximately 800 feet downstream of Judy Creek	+641	Unincorporated Areas of Powell County.
	Approximately 5,400 feet upstream of Hatcher Creek	+651	
Red River (at Clay City)	Approximately 3,900 feet downstream of Bert T. Combs Mountain Parkway.	+623	Unincorporated Areas of Powell County.
	Approximately 5,800 feet downstream of Hatton Creek	+632	

* 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 Powell County

Maps are available for inspection at 525 Washington Street, Stanton, KY 40380.

**Kalamazoo County, Michigan (All Jurisdictions)
Docket No.: FEMA-B-7749**

Flowerfield Creek	Approximately 0.6 mile downstream of West YZ Avenue ..	+843	Township of Prairie Ronde.
	Approximately 25 feet upstream of 22nd Street	+890	
Flowerfield Creek East Tributary.	Confluence with Flowerfield Creek	+858	Township of Prairie Ronde.
	Approximately 100 feet upstream of West W Avenue	+878	Township of Prairie Ronde.
Flowerfield Creek West Tributary.	Confluence with Flowerfield Creek	+873	
	Approximately 100 feet upstream of West W Avenue	+886	Township of Schoolcraft.
Gourdneck Lake	Entire shoreline	+853	
Grass Lake	Entire shoreline	+879	Township of Richland.
Gull Lake	Entire shoreline	+882	Township of Richland, Township of Ross.
Kalamazoo River	Approximately 75 feet from the upstream side of South 35th Street.	+779	City of Galesburg.
	Approximately 150 feet upstream of Climax Drive	+786	

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
Kalamazoo River	Approximately 600 feet east of the intersection of West G Avenue and North Pitcher Street, at the City of Parchment/Charter Township of Cooper corporate limits.	+755	City of Parchment.
Little Sugarloaf Lake	Approximately 25 feet downstream of East Mosel Avenue Entire shoreline	+759 +860	City of Portage, Township of Schoolcraft.
Spring Creek	Approximately 0.9 mile downstream of South 15th Street Approximately 400 feet upstream of South 14th Street	+834 +855	Township of Schoolcraft.
Sugarloaf (Lower) Lake	Entire shoreline	+859	Township of Schoolcraft.
Sugarloaf (Upper) Lake	Entire shoreline	+861	Township of Schoolcraft.
Weeds Lake	Entire shoreline	+882	Charter Township of Texas.

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

ADDRESSES

Charter Township of Texas

Maps are available for inspection at 7110 West Q Avenue, Kalamazoo, MI 49009.

City of Galesburg

Maps are available for inspection at 200 East Michigan Avenue, Galesburg

City of Parchment

Maps are available for inspection at 650 South Riverview Drive, Parchment, MI 49004.

City of Portage

Maps are available for inspection at 7900 South Westnedge Avenue, Portage, MI 49002.

Township of Prairie Ronde

Maps are available for inspection at 8140 West W Avenue, Schoolcraft, MI 49087.

Township of Richland

Maps are available for inspection at 7401 North 32nd Street, Richland, MI 49083.

Township of Ross

Maps are available for inspection at 12086 East M-89, Richland, MI 49083.

Township of Schoolcraft

Maps are available for inspection at 50 East VW Avenue, Vicksburg, MI 49097.

**McKinley County, New Mexico, and Incorporated Areas
 Docket No.: FEMA-B-1017**

Little Puerco Wash	Approximately 211 feet upstream of the intersection of Mesa Avenue and Little Puerco Wash.	+6543	City of Gallup, Unincorporated Areas of McKinley County.
	Approximately 3,696 feet upstream of the intersection of Mesa Avenue and Little Puerco Wash.	+6606	
Puerco River	Approximately 2,904 feet upstream of the intersection of Interstate 40 and State Highway 66.	+6469	City of Gallup, Unincorporated Areas of McKinley County.
	Approximately 1,320 feet upstream of the intersection of Ford Drive and the Puerco River.	+6523	
Zuni River	Approximately 5,700 feet upstream from Indian Service Route 40.	+6259	Pueblo of Zuni.
	Approximately 5,016 feet downstream of the Black Rock Lake Reservoir Dam.	+6327	

* 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 Gallup

Maps are available for inspection at 110 West Aztec Avenue, Gallup, NM 87301.

Unincorporated Areas of McKinley County

Maps are available for inspection at the Office of the County Manager, 207 West Hill Avenue, Gallup, NM 87301.

Pueblo of Zuni

Maps are available for inspection at the Tribal Court, 1203B State Highway 53, Zuni, NM 87327.

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
Clark County, Ohio, and Incorporated Areas Docket No.: FEMA-B-1018			
Chapman Creek	3,300 feet upstream from the confluence with the Mad River. 5,200 feet upstream from the confluence with the Mad River.	+950 +959	Unincorporated Areas of Clark County.

* 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 Clark County**

Maps are available for inspection at the Government Center, 3130 East Main Street, Springfield, OH 45505.

Hamilton County, Ohio, and Incorporated Areas Docket No.: FEMA-B-1012			
Little Miami River	65 feet upstream of the Norfolk and Western railroad crossing. 665 feet downstream of Harvard Street in the Village of Mariemont.	+501 +501	Unincorporated Areas of Hamilton County, Village of Fairfax, Village of Mariemont.

* 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 Hamilton County**

Maps are available for inspection at the County Department of Public Works, 138 East Court Street, Room 800, Cincinnati, OH 45202.

Village of Fairfax

Maps are available for inspection at the Municipal Building, 5902 Hawthorn Avenue, Fairfax, OH 45227.

Village of Mariemont

Maps are available for inspection at the Municipal Building, 6907 Wooster Pike, Mariemont, OH 45227.

(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.*

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