

Hazardous Substances Pollution Contingency Plan (NCP). This partial deletion pertains to the surface media (soil, surface water, sediment) and structures (both former structures that have been demolished and structures retained for future use) within the CES and the surface media of the entire OPS. The rest of the On-Post OU, including groundwater below RMA that is west of E Street, and the groundwater that comprises the Off-Post OU will remain on the NPL and is not being considered for deletion as part of this action. Response activities will continue at those OUs. The EPA and the State of Colorado, through the Colorado Department of Public Health and Environment (CDPHE), have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, the deletion of these parcels does not preclude future actions under Superfund.

**DATES:** *Effective Date:* This action is effective September 13, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-1987-0002. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

- EPA's Region 8 Superfund Records Center, 1595 Wynkoop Street, Denver, Colorado 80202-2466. Hours: 8 a.m. to 4 p.m. by appointment (call 303-312-6473), Monday through Friday, excluding legal holidays; and the
- Joint Administrative Records Facility, Rocky Mountain Arsenal, 5650 Havana Street, Building 129, Commerce City, Colorado 80022-1748. Hours: 12 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, or by appointment (call 303-289-0983).

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Chergo, Community Involvement Coordinator (8OC), U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver,

Colorado 80202-1129, 1-800-227-8917 or 303-312-6601; fax number: 303-312-7110; e-mail: [chergo.jennifer@epa.gov](mailto:chergo.jennifer@epa.gov).

**SUPPLEMENTARY INFORMATION:** The portion of the site to be deleted from the NPL is the surface media (soil, surface water, sediment) and structures (both former structures that have been demolished and structures retained for future use) within the CES and the surface media of the entire OPS. A Notice of Intent for partial Deletion for this Site was published in the **Federal Register** on June 17, 2010. The RMA Site-Specific Advisory Board (SSAB) requested additional time to adequately review the documentation. The public comment period for the NOIDp was extended through August 16, 2010 (75 FR 42361).

EPA received comment letters from seven organizations/individuals. Authors of five of the letters voiced their support for proceeding with the partial deletion based upon their confidence in the thoroughness of the cleanup activities conducted by the U.S. Army and Shell Oil Company; though one letter, from the Audubon Society of Greater Denver, was received after the public comment period closed. Authors of the remaining two letters were opposed to the proposed partial deletion of the CES and OPS. All public comments and EPA's responses are included in a Responsiveness Summary document available in both the docket, EPA-HQ-SFUND-1987-0002, at <http://www.regulations.gov> and in the local repositories listed above. Based on our responses to these comments, and in consultation with the State of Colorado through CDPHE, EPA has determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed and it is appropriate to proceed with deletion of the CES and the OPS.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion of a site from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of portions of a site from the NPL does not affect responsible party liability, in the unlikely event that future conditions warrant further actions.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties,

Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 2, 2010.

**Stephen S. Tuber,**

*Acting Regional Administrator, Region 8.*

[FR Doc. 2010-22747 Filed 9-10-10; 8:45 am]

**BILLING CODE 6560-50-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:** Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3461, or (e-mail) [roy.e.wright@dhs.gov](mailto:roy.e.wright@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>Pickens County, Alabama, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1071</b>			
Big Ditch .....	Approximately 1,317 feet upstream of the confluence with Tributary 1.	+163	Unincorporated Areas of Pickens County.
	Approximately 1.1 mile upstream of the confluence with Tributary 1.	+174	
Little Bear Creek .....	Approximately 0.8 mile downstream of U.S. Route 82 .....	+235	Unincorporated Areas of Pickens County.
Long Creek .....	Approximately 1 mile upstream of 1st Avenue .....	+262	Unincorporated Areas of Pickens County.
	Approximately 845 feet upstream of 1st Avenue .....	+254	
Lubbub Creek .....	Approximately 1,123 feet upstream of 1st Avenue .....	+255	Unincorporated Areas of Pickens County.
	Approximately 0.9 mile downstream of U.S. Route 82 .....	+220	
Stream 2 .....	Approximately 1,292 feet upstream of U.S. Route 82 .....	+227	Unincorporated Areas of Pickens County.
	Approximately 1,375 feet downstream of the confluence with Stream 3.	+196	
	Approximately 1,300 feet downstream of the confluence with Stream 3.	+196	
Tombigbee River .....	Approximately 1.4 mile downstream of the confluence with Beaver Creek.	+144	City of Memphis.
	Approximately 0.9 mile downstream of the confluence with Beaver Creek.	+144	

\* 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 Memphis

Maps are available for inspection at 128 Memphis Circle, Aliceville, AL 35442.

##### Unincorporated Areas of Pickens County

Maps are available for inspection at the Pickens County Judicial Center, 20 Phoenix Avenue, Room 102, Carrollton, AL 35447.

#### Jefferson County, Illinois, and Incorporated Areas

**Docket No.: FEMA-B-1066**

Bell Street Ditch .....	The confluence with Casey Fork (approximately 2,438 feet downstream of State Route 142).	+436	Unincorporated Areas of Jefferson County.
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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) Modified	Communities affected
	Approximately at railroad (approximately 450 feet downstream of State Route 142).	+444	
Botches Ditch .....	Just upstream of State Route 37 .....	+435	Unincorporated Areas of Jefferson County.
Brickyard Creek .....	Approximately 200 feet downstream of 30th Street .....	+479	
	Approximately 290 feet downstream of 10th Street .....	+465	Unincorporated Areas of Jefferson County.
Casey Fork .....	Just downstream of 11th Street .....	+469	
	Approximately 1,670 feet downstream of State Route 142	+434	Unincorporated Areas of Jefferson County.
Church Tributary .....	Approximately 2,735 feet upstream of Tolle Road .....	+455	
	Approximately 165 feet downstream of State Route 37 .....	+466	Unincorporated Areas of Jefferson County.
East Fork Botches Ditch .....	Approximately 200 feet upstream of State Route 37 .....	+469	
	Approximately 350 feet downstream of South Fishers Lane.	+475	Unincorporated Areas of Jefferson County.
Rend Lake .....	Just downstream of South Fishers Lane .....	+475	
	Approximately 12,500 feet west of the intersection of County Route 43 and East Franklin Road.	+415	City of Nason, Unincorporated Areas of Jefferson County, Village of Bonnie, Village of Ina.
West Tributary .....	Approximately 2,400 feet west of the intersection of Bonnie Road and Cooley Lane.	+415	
	Approximately 195 feet upstream of I-57/64 .....	+458	Unincorporated Areas of Jefferson County.
	Just downstream of 42nd Street .....	+477	

\* 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 Nason

Maps are available for inspection at City Hall, 121 North 9th Street, Nason, IL 62866.

##### Unincorporated Areas of Jefferson County

Maps are available for inspection at the Jefferson County Courthouse, 100 South 10th Street, Mount Vernon, IL 62864.

##### Village of Bonnie

Maps are available for inspection at the Village Hall, 270 South Railroad Avenue, Bonnie, IL 62816.

##### Village of Ina

Maps are available for inspection at the Village Hall, 306 South Elm Street, Ina, IL 62846.

#### Jo Daviess County, Illinois, and Incorporated Areas Docket Nos.: FEMA-B-1053 and FEMA-B-1069

Apple River .....	Approximately 2.2 miles upstream of Crazy Hollow Road	+616	Unincorporated Areas of Jo Daviess County, Village of Hanover.
	Approximately 0.78 mile upstream of North Washington Street.	+622	
Mississippi River .....	Approximately 559.7 miles upstream of the confluence with the Ohio River (approximately 0.6 mile upstream of West Digger Hill Road extended).	+604	Unincorporated Areas of Jo Daviess County.
	Approximately 572.3 miles upstream of the confluence with the Ohio River (approximately 1.5 mile upstream of Sand Ridge Road extended).	+608	
Mississippi River Backwater .....	Along the Apple River, at the Jo Daviess/Carroll county boundary (approximately 0.7 mile upstream of Savanna Army Depot Road in Carroll County).	+599	City of East Dubuque, Unincorporated Areas of Jo Daviess County.
	Along the Apple River, approximately 1.45 mile upstream of the Jo Daviess/Carroll county boundary (approximately 200 feet upstream of West Whitton Road).	+599	
	Along the Galena River, at its confluence with the Mississippi River (approximately 0.1 mile downstream of Railroad Bridge).	+605	

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
	Along the Galena River, approximately 0.86 mile upstream of the confluence with the Mississippi River (approximately 0.76 mile upstream of Railroad Bridge).	+605	
	Approximately at the 3rd Street Channel, upstream side of the railroad.	+610	
	Approximately 200 feet northwest of 1st Street .....	+610	

\* 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 East Dubuque

Maps are available for inspection at City Hall, 303 Sinsinawa Avenue, East Dubuque, IL 61025.

##### Unincorporated Areas of Jo Daviess County

Maps are available for inspection at the Jo Daviess County Courthouse, 330 North Bench Street, Galena, IL 61036.

##### Village of Hanover

Maps are available for inspection at the Village Hall, 207 Jefferson Street, Hanover, IL 61041.

#### Woodford County, Illinois, and Incorporated Areas Docket No.: FEMA-B-1060

Illinois River .....	Approximately 172 miles upstream of the confluence with the Mississippi River (approximately 1,500 feet upstream of Bruce Rich Lane extended).	+460	Village of Bay View Gardens.
	Approximately 173.4 miles upstream of the confluence with the Mississippi River (approximately at Leisure Lane extended).	+460	
Ten Mile Creek .....	Approximately 3 miles upstream of the confluence with the Illinois River (approximately at Ten Mile Creek Road extended).	+507	Unincorporated Areas of Woodford County.
	Approximately 3.2 miles upstream of the confluence with the Illinois River (approximately 1,075 feet upstream of Ten Mile Creek Road extended).	+512	

\* 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 Woodford County

Maps are available for inspection at the Woodford County Courthouse, 115 North Main Street, Eureka, IL 61530.

##### Village of Bay View Gardens

Maps are available for inspection at the Bay View Gardens Village Hall, 300 Garber Lane, Room 8, East Peoria, IL 61611.

#### Alcorn County, Mississippi, and Incorporated Areas Docket No.: FEMA-B-1072

Elam Creek .....	Approximately 123 feet downstream of South Harper Road.	+421	City of Corinth.
	Just downstream of County Road 701 .....	+483	

\* 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 Corinth

Maps are available for inspection at City Hall, 300 Childs Street, Corinth, MS 38834.

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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**Winston County, Mississippi, and Incorporated Areas**  
**Docket No.: FEMA-B-1068**

Hughes Creek .....	Approximately 1,193 feet upstream of the confluence with Stream 2.	+487	Unincorporated Areas of Winston County.
	Approximately 1,534 feet upstream of the confluence with Stream 2.	+488	
Stream 1 .....	Approximately 96 feet downstream of Files Road .....	+497	Unincorporated Areas of Winston County.
	Approximately 222 feet upstream of Files Road .....	+498	
Stream 2 .....	Approximately 1,079 feet upstream of the confluence with Hughes Creek.	+484	Unincorporated Areas of Winston County.
	Approximately 1,380 feet upstream of the confluence with Hughes Creek.	+485	

\* 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 Winston County**

Maps are available for inspection at the Winston County Courthouse, 115 West Main Street, Louisville, MS 39339.

**Yalobusha County, Mississippi, and Incorporated Areas**  
**Docket No.: FEMA-B-1072**

Enid Lake .....	Entire shoreline within Yalobusha County .....	+274	City of Water Valley, Unincorporated Areas of Yalobusha County.
Grenada Lake .....	Entire shoreline within Yalobusha County .....	+237	Town of Coffeerville, Unincorporated Areas of Yalobusha 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**

**City of Water Valley**

Maps are available for inspection at City Hall, 101 Blackmur Drive, Water Valley, MS 38965.

**Town of Coffeerville**

Maps are available for inspection at the Town Hall, 14615 Depot Street, Coffeerville, MS 38922.

**Unincorporated Areas of Yalobusha County**

Maps are available for inspection at the Yalobusha County Courthouse, 201 Blackmur Drive, Water Valley, MS 38965.

**Niagara County, New York (All Jurisdictions)**  
**Docket No.: FEMA-B-1026**

Bergholtz Creek .....	At the confluence with Cayuga Creek .....	+570	City of Niagara Falls, Town of Cambria, Town of Wheatfield.
	Approximately 1.4 miles upstream of State Route 425 (Shawnee Road).	+631	
Bull Creek .....	At the confluence with Tonawanda Creek backwater area	+575	City of North Tonawanda, Town of Cambria, Town of Pendleton, Town of Wheatfield.
	Approximately 240 feet upstream of Lockport Road .....	+604	
Cayuga Creek .....	Approximately 0.3 mile upstream of Pine Avenue/U.S. Route 62.	+571	Town of Niagara, Town of Wheatfield.
	Approximately 70 feet downstream of the first airport overpass.	+584	
Cayuga Creek West Tributary ..	At the confluence with Cayuga Creek .....	+579	Town of Niagara.
	Approximately 240 feet upstream of Lockport Road .....	+621	

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
Cayuga Creek West Tributary Diversion.	Just upstream of Porter Road .....	+582	Town of Niagara.
Donner Creek .....	At the confluence with Cayuga Creek West Tributary ..... Approximately 326 feet downstream of Beatle Road .....	+582 +617	City of Lockport, Town of Lockport.
Eighteenmile Creek .....	Approximately 975 feet upstream of Lincoln Avenue ..... Just downstream of Stone Road .....	+631 +364	City of Lockport.
Eighteenmile Creek East .....	Approximately 0.41 mile upstream of Stone Road ..... Approximately 1,300 feet downstream of Day Road .....	+364 +374	Town of Newfane.
Gulf Branch .....	Approximately 540 feet upstream of Day Road ..... At the confluence with Eighteenmile Creek .....	+374 +364	City of Lockport.
Johnson Creek 2 .....	Approximately 800 feet upstream of the confluence with Eighteenmile Creek. Approximately 665 feet downstream of Sherman Road .....	+364 +476	Town of Hartland, Town of Royalton.
Mud Creek .....	Approximately 0.19 mile upstream of Telegraph Road ..... At the confluence with Tonawanda Creek .....	+541 +583	Town of Lockport, Town of Pendleton.
Sawyer Creek (East) .....	Approximately 0.63 mile downstream of Minnick Road ..... At the confluence with Bull Creek .....	+583 +575	City of North Tonawanda, Town of Wheatfield.
Sawyer Creek (West) .....	At the centerline of Ward Road ..... At the confluence with Bergholtz Creek .....	+578 +573	Town of Wheatfield.
Tonawanda Creek .....	At the centerline of Ward Road ..... Approximately 0.9 mile upstream of Twin Cities Memorial Highway.	+579 +572	City of North Tonawanda, Town of Lockport, Town of Pendleton, Town of Royalton, Town of Wheatfield.
Town Ditch Number 2 .....	Approximately 2.8 miles upstream of Rapids Road ..... At the confluence with Tonawanda Creek .....	+593 +578	Town of Pendleton.
Twelvemile Creek .....	Approximately 0.8 mile upstream of Campbell Boulevard .. Approximately 2.0 miles upstream of Fitch Road .....	+578 +300	Town of Porter, Town of Wilson.
	Approximately 870 feet downstream of Ransomville Road	+301	

\* 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 Lockport**

Maps are available for inspection at the Lockport Municipal Building, 1 Locks Plaza, Lockport, NY 14094.

**City of Niagara Falls**

Maps are available for inspection at City Hall, 745 Main Street, Niagara Falls, NY 14301.

**City of North Tonawanda**

Maps are available for inspection at City Hall, 216 Payne Avenue, North Tonawanda, NY 14120.

**Town of Cambria**

Maps are available for inspection at the Cambria Town Hall, 4160 Upper Mountain Road, Sanborn, NY 14132.

**Town of Hartland**

Maps are available for inspection at the Hartland Town Hall, 8942 Ridge Road, Gasport, NY 14067.

**Town of Lockport**

Maps are available for inspection at the Lockport Town Hall, 6560 Dysinger Road, Lockport, NY 14094.

**Town of Newfane**

Maps are available for inspection at the Town Hall, 2896 Transit Road, Newfane, NY 14108.

**Town of Niagara**

Maps are available for inspection at the Niagara Town Hall, 7105 Lockport Road, Niagara Falls, NY 14305.

**Town of Pendleton**

Maps are available for inspection at the Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, NY 14094.

**Town of Porter**

Maps are available for inspection at the Porter Town Hall, 3265 Creek Road, Youngstown, NY 14174.

**Town of Royalton**

Maps are available for inspection at the Royalton Town Hall, 5316 Royalton Center Road, Middleport, NY 14105.

**Town of Wheatfield**

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 Wheatfield Town Hall, 2800 Church Road, North Tonawanda, NY 14120.

**Town of Wilson**

Maps are available for inspection at the Town Hall, 375 Lake Street, Wilson, NY 14172.

**Clatsop County, Oregon, and Incorporated Areas**  
**Docket Nos.: FEMA-B-7748 and FEMA-B-7760**

Beerman Creek .....	Approximately at U.S. Route 101 .....	+21	Unincorporated Areas of Clatsop County.
	Approximately 0.95 mile upstream of Beerman Creek Lane.	+119	
Columbia River .....	Approximately 600 feet upstream of Southeast Anchor Road (west of Burlington Northern Railroad).	+12	City of Warrenton, Unincorporated Areas of Clatsop County.
	Approximately at Alternate U.S. Route 101 (south of Astoria Regional Airport).	+12	
Lewis and Clark River .....	Approximately at Alternate U.S. Route 101 (south of Astoria Regional Airport).	+12	Unincorporated Areas of Clatsop County.
	Approximately at the confluence with Heckard Creek (east of Lewis and Clark River).	+13	
Neawanna Creek .....	Approximately 50 feet downstream of 12th Avenue .....	+14	City of Seaside, Unincorporated Areas of Clatsop County.
	Approximately 0.7 mile upstream of Avenue S .....	+19	
Necanicum River .....	Approximately 450 feet downstream of 12th Avenue .....	+14	City of Seaside, Unincorporated Areas of Clatsop County.
	Approximately at the Howard Johnson Bridge .....	+39	
Necanicum River Overflow .....	Approximately 0.24 mile upstream of the confluence with the Necanicum River.	+32	City of Seaside, Unincorporated Areas of Clatsop County.
	Approximately 0.7 mile upstream of the confluence with the Necanicum River.	+37	
Upper Neawanna Creek .....	Approximately 260 feet downstream of Wahanna Road ....	+16	City of Seaside, Unincorporated Areas of Clatsop County.
	Approximately 840 feet upstream of Wahanna Road .....	+31	
Youngs River .....	Approximately 500 feet south of the confluence with Battle Creek Slough.	+12	Unincorporated Areas of Clatsop County.
	Approximately at the intersection of Wireless Road and U.S. Route 101.	+12	

\* 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 Seaside**

Maps are available for inspection at 989 Broadway Street, Seaside, OR 97138.

**City of Warrenton**

Maps are available for inspection at 225 South Main Street, Warrenton, OR 97146.

**Unincorporated Areas of Clatsop County**

Maps are available for inspection at 800 Exchange Street, Astoria, OR 97103.

**Cheatham County, Tennessee, and Incorporated Areas**  
**Docket No.: FEMA-B-1061**

Big Bartons Creek .....	Approximately 1.1 mile upstream of the confluence with the Cumberland River.	+397	Unincorporated Areas of Cheatham County.
	Approximately 3.8 miles upstream of the confluence with the Cumberland River.	+397	

\* 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

##### Unincorporated Areas of Cheatham County

Maps are available for inspection at the Cheatham County Building Commissioner's Office, 210 South Main Street, Ashland City, TN 37015.

#### Meigs County, Tennessee, and Incorporated Areas Docket No.: FEMA-B-1064

Dake Branch .....	At the confluence with Watts Creek .....	+696	Unincorporated Areas of Meigs County.
	Approximately 0.8 mile upstream of the confluence with Watts Creek.	+696	
Decatur Branch .....	At the confluence with Decatur Creek .....	+732	Town of Decatur.
	Approximately 0.5 mile upstream of Church Lane .....	+745	
Decatur Creek .....	Approximately 0.5 miles downstream of State Route 58 ...	+730	Town of Decatur.
	Approximately 605 feet upstream of State Route 58 .....	+742	
Watts Creek .....	At the confluence with the Tennessee River .....	+696	Unincorporated Areas of Meigs County.
	Approximately 1.9 mile upstream of the confluence with the Tennessee River.	+696	

\* 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 Meigs County

Maps are available for inspection at the Meigs County Courthouse, 17214 State Highway 58 North, Decatur, TN 37322.

##### Town of Decatur

Maps are available for inspection at City Hall, 17454 State Highway 58 North, Decatur, TN 37322.

#### Fairfax County, Virginia, and Incorporated Areas Docket No.: FEMA-B-1066

Cameron Run .....	Approximately 1,975 feet upstream of the confluence with the Potomac River.	*11	Unincorporated Areas of Fairfax County.
	Approximately 1.0 mile upstream of the confluence with Pike Branch.	*30	
Dogue Creek .....	At the confluence with the Potomac River .....	*10	Unincorporated Areas of Fairfax County.
	Approximately 1.5 mile upstream of the confluence with the Potomac River at Mount Vernon Road.	*10	
Potomac River .....	Approximately 1,140 feet east of Carriage House Court ....	*10	Unincorporated Areas of Fairfax County.
	Approximately 1,250 feet south of the intersection of River Drive and Oak Grove Street.	*10	

\* 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 Fairfax County

Maps are available for inspection at the Fairfax County Government Center, 12055 Government Center Parkway, Suite 659, Fairfax, VA 22035.



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

Dated: September 1, 2010.

**Sandra K. Knight,**

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

[FR Doc. 2010-22764 Filed 9-10-10; 8:45 am]

BILLING CODE 9111-23-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 385 and 395

[Docket No. FMCSA-2004-18940]

RIN 2126-AA89

#### Electronic On-Board Recorders for Hours-of-Service Compliance

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Final rule; Technical amendments and response to petitions for reconsideration.

**SUMMARY:** FMCSA amends its April 5, 2010, final rule that established new performance standards for electronic on-board recorders (EOBRs) installed in commercial motor vehicles (CMVs). In response to petitions for reconsideration from Qualcomm Incorporated, XATA Corporation, and a group of industry stakeholders, FMCSA amends requirements relating to the temperature range in which EOBRs must be able to operate, and the connector type specified for the Universal Serial Bus (USB) interface.

**DATES:** The amendments in this final rule become effective September 13, 2010.

**ADDRESSES:** *Public Access to the Docket:* You may view, print, and download this final rule and all related documents and background material on-line at <http://www.regulations.gov>, using the Docket ID Number FMCSA-2004-18940. These documents can also be examined and copied for a fee at the U.S. Department of Transportation, Docket Operations, West Building—Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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#### SUPPLEMENTARY INFORMATION:

##### Legal Basis

The legal basis of the April 2010 final rule is also applicable to this final rule. See 75 FR 17208-17252, April 5, 2010.

##### Background

The FMCSA was notified about two technical errors in the April 5, 2010, "Electronic On-board Recorders for Hours of Service Compliance" final rule. (75 FR 17208). The FMCSA also received several petitions for reconsideration of the final rule that are discussed further in this final rule.

##### Technical Corrections

(1) The first sentence in § 385.807(a) currently reads "Following the close of the compliance review described in § 385.805(a), FMCSA will issue the motor carrier a written notice of remedial directive and proposed determination of unfitness." The regulatory citation should read "§ 385.805," not "§ 385.805(a)"

(2) Section 385.815(e) currently reads "The exemption granted under this section shall not apply to CMVs manufactured on or after the date 2 years from the effective date of this rule." The effective date referenced should be June 4, 2012, as is stated elsewhere in the final rule.

##### Petitions for Reconsideration

FMCSA received petitions for reconsideration, timely filed, from Qualcomm Incorporated (Qualcomm), XATA Corporation (XATA), and a group of industry stakeholders, including the American Trucking Associations' Technology & Maintenance Council (TMC) EOBR Task Force<sup>1</sup> (Stakeholders). Qualcomm and Stakeholders requested that FMCSA reconsider the final rule's requirements for (1) the temperature range in which EOBRs must be able to operate, and (2) the connector type specified for the USB interface. XATA's petition covered the same matters as those of Qualcomm and Stakeholders, but further requested that FMCSA (1) clarify certain reportable events in the diagnostic table, and (2) consider offering an additional alternative for the data transfer between an EOBR and a roadside safety official's portable computer. FMCSA met with

<sup>1</sup> Companies and organizations submitting the petition included Qualcomm Enterprise Services, PeopleNet, XATA Corporation, Continental Corporation, American Trucking Associations, American Bus Association, Commercial Vehicle Safety Alliance, National Private Truck Council, and United Motorcoach Association.

the stakeholders on June 2, 2010 (a list of the attendees and a summary of the meeting has been placed in the docket) in response to their request for an opportunity to present their concerns in person.

A discussion of each of the petitioner's issues, followed by the Agency's assessment and decision, follows.

##### Operating Temperature Range

On January 18, 2007 (72 FR 2340), FMCSA published a notice of proposed rulemaking (NPRM) that proposed to amend the Federal Motor Carrier Safety Regulations to incorporate new performance standards for EOBRs. Among other things, the NPRM proposed to require an EOBR to be able to operate in temperatures ranging from -20 °F to 120 °F (-29 °C to 49 °C) (72 FR 2340, at 2393).

In comments to the docket, International Truck and Engine Corporation stated "Typical industry standards for commercial vehicles (See Society of Automotive Engineers (SAE) recommended practice J1455, "Surface Vehicle Recommended Practice: Recommended Environmental Practices for Electronic Equipment Design in Heavy-Duty Vehicle Applications") exceed the minimum requirements stated for operating temperature. Interior spaces are rated from -40 degrees C to +85 degrees C. International notes that under the minimum temperature specification there will be occasions where the EOBR may not operate until the vehicle interior is heated (or cooled) to the operating temperature given." Qualcomm stated "We recommend that environmental requirements defer to industry standards for comparable equipment and not be specified in this regulation. Specifically, SAE standard J1455—Recommended Environmental Practices for Electronic Equipment Design in Heavy-Duty Vehicle Applications should be referenced." TMC offered a similar comment in a Technical Policy Advisory submitted to the docket: "The environmental factors should be based on industry standards for similar types of equipment."

In the April 2010 final rule, FMCSA revised the EOBR operating temperature range to -40 °C to 85 °C (-40 °F to 185 °F). (75 FR 17208, at 17232). In doing so, the Agency referred to the detailed discussion in Section 5.2 of the SAE standard, which addresses temperature ranges in the forward interior of the vehicle, an area that includes the floor, instrument panel, and headliner. The instrument panel, discussed in Section 5.2.1, "includes the top of the dashboard