

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
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Maps are available for inspection at Planning Department, 111 East Main Street, Suite 201, Jackson, TN 38301.

#### City of Three Way

Maps are available for inspection at Office of the Mayor, 136 Green Road, Three Way, TN 38343.

#### Unincorporated Areas of Madison County

Maps are available for inspection at Madison County Commissioner's Office Building, 100 East Main Street, Jackson, TN 38301.

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

Dated: February 26, 2009.

**Michael K. Buckley,**

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

[FR Doc. E9-6706 Filed 3-24-09; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2008-0020]

#### 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 on 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:** William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3151.

**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 of the Mitigation Directorate 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:

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground
				Modified
<b>Town of Salisbury, Massachusetts FEMA Docket No.: B-1000</b>				
Massachusetts .....	Town of Salisbury .....	Atlantic Ocean .....	Along Atlantic Avenue south of Vermont St. to Railroad Ave.	+14
			Along Atlantic Avenue approximately 500' south of Railroad Ave.	+15

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**Town of Salisbury**  
Maps are available for inspection at 5 Beach Road, Town of Salisbury, MA 01950.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground	Communities affected
		Modified	
<b>Bannock County, Idaho, and Incorporated Areas FEMA Docket No.: B-7781</b>			
Rapid Creek .....	Just upstream of Interstate Highway 15 .....	+4541	Unincorporated Areas of Bannock County, City of Inkom.
	At Private Road approximately 400 feet downstream of Hoot Owl Road.	+5060	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**City of Inkom**  
Maps are available for inspection at 365 North Rapid Creek Road, Inkom, ID 83245.  
**Unincorporated Areas of Bannock County**  
Maps are available for inspection at 130 North 6th Avenue, Suite C, Pocatello, ID 83201.

<b>Casey County, Kentucky, and Incorporated Areas FEMA Docket No.: B-7781</b>			
Green River .....	Approximately 4,300 feet downstream of confluence with Highway 49 Tributary. Approximately 900 feet upstream of KY-817 .....	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground	Unincorporated Areas of Casey County.
		Modified	
		+793	
		+808	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**Unincorporated Areas of Casey County**  
Maps are available for inspection at 625 Campbellsville Street, Liberty, KY 42539.

<b>Oxford County, Maine (All Jurisdictions) FEMA Docket No.: B-7756</b>			
Barkers Brook .....	Approximately 625 feet downstream of Cushing Road .....	+634	Town of Bethel.
	Approximately 680 feet downstream of Gore Road .....	+662	
Barkers Pond .....	At ponding area North of approximately 500 feet East of the intersection of Pine Cove Point and Narrow Gauge Trail and East of Narrow Gauge Trail.	+497	Town of Hiram.
Crooked River .....	Approximately 500 feet downstream of Jesse Mill Road .....	+333	Town of Otisfield.
	Approximately 600 feet upstream of Harrison Road .....	+398	
Hancock Brook .....	Approximately 600 feet downstream of Scribner Mill Road .....	+361	Town of Hiram.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground	Communities affected
		Modified	
Moose Pond .....	Approximately 180 feet southeast of the intersection of Pine Cove Point and Narrow Gauge Trail.	+494	Town of Otisfield.
Saturday Pond .....	At ponding area North of approximately 600 feet upstream of the intersection of Evergreen Drive and Hemlock Road, East of Pine Drive and West of Fox Run Line.	+524	
Stony Brook .....	At ponding area approximately 875 feet northwest of Peaco Hill Road, West of Great Oaks Line and East of West Shore Drive.	+533	Town of Otisfield.
Twitchell Brook .....	Approximately 100 feet downstream of Buckfield Road .....	+479	Town of Paris.
	Approximately 155 feet downstream of Christian Road .....	+577	
	Approximately 700 feet East of the intersection of Buckfield Road and Emery Avenue.	+395	
	Approximately 2,750 feet upstream of Hebron Road .....	+487	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**Town of Bethel**

Maps are available for inspection at Town Office, 19 Main Street, Bethel, ME 04217.

**Town of Hiram**

Maps are available for inspection at Town Office, 25 Allard Circle, Hiram, ME 04041.

**Town of Otisfield**

Maps are available for inspection at Town Office, 403 State Route 121, Otisfield, ME 04270.

**Town of Paris**

Maps are available for inspection at Town Office, 33 Market Square, South Paris, ME 04281.

**Bristol County, Massachusetts (All Jurisdictions) FEMA Docket No.: B-7786**

Buzzards Bay .....	Approximately 1,650 feet East of intersection of River Road and Redwing Lane.	+24	Town of Dartmouth, City of New Bedford, Town of Fairhaven, Town of Westport.
	Approximately 875 feet South from end of Club House Drive	+24	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**Town of Dartmouth**

Maps are available for inspection at Town Hall, 400 Slocum Road, Dartmouth, MA 02747.

**Town of Fairhaven**

Town Hall, 40 Center Street, Fairhaven, MA 02719.

**City of New Bedford**

City Hall, 133 William Street, New Bedford, MA 02740.

**Town of Westport**

Maps are available for inspection at Town Hall, 816 Main Road, Westport, MA 02790.

**Caldwell County, North Carolina and Incorporated Areas Docket Nos.: FEMA-B-7748, FEMA-B-7749, FEMA-D-7672, and FEMA-B-7794**

Abingdon Creek .....	Approximately 940 feet upstream of Huffman Road .....	+1,089	Unincorporated Areas of Caldwell County.
Amos Creek .....	Approximately 325 feet upstream of M.W. Setzer Road .....	+1,098	Unincorporated Areas of Caldwell County.
	At the confluence with Mulberry Creek .....	+1,426	
Angley Creek .....	Approximately 1.4 miles upstream of the confluence with Mulberry Creek.	+1,554	City of Lenoir, Unincorporated Areas of Caldwell County, Town of Hudson.
	Approximately 300 feet upstream of the confluence with Gunpowder Creek.	+1,178	
	Approximately 600 feet upstream of Southeast Starcross Road.	+1,252	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground	Communities affected
		Modified	
Angley Creek Tributary 1 .....	At the confluence with Angley Creek .....	+1,200	Unincorporated Areas of Caldwell County, City of Lenoir.
	Approximately 1,900 feet upstream of Southeast Starcross Road.	+1,294	
Anthony Creek .....	At the confluence with Prong Creek .....	+1,423	Unincorporated Areas of Caldwell County.
	Approximately 1.4 miles upstream of the confluence with Prong Creek.	+1,753	
Beaver Creek .....	Approximately 400 feet downstream of the Caldwell/Wilkes County boundary.	+1,184	Unincorporated Areas of Caldwell County.
	Approximately 1.6 miles upstream of Wilkesboro Boulevard ...	+1,252	
Billy Branch .....	At the confluence with Gunpowder Creek .....	+1,037	Unincorporated Areas of Caldwell County, Town of Granite Falls.
	Approximately 0.6 mile upstream of North Highland Avenue ..	+1,161	
Blairs Fork Creek .....	At the confluence with Lower Creek .....	+1,073	City of Lenoir, Unincorporated Areas of Caldwell County.
	Approximately 750 feet upstream of Parson's Park Drive .....	+1,206	
Blue Creek .....	At the confluence with Kings Creek 1 and Little Kings Creek	+1,102	Unincorporated Areas of Caldwell County.
	Approximately 0.5 mile upstream of Bluegrass Place (State Road 1578).	+1,276	
Boone Fork .....	At the confluence with Mulberry Creek .....	+1,219	Unincorporated Areas of Caldwell County.
	Approximately 1.2 miles upstream of the confluence with Mulberry Creek.	+1,315	
Bristol Creek .....	Approximately 450 feet downstream of the Burke/Caldwell County boundary.	+1,135	Unincorporated Areas of Caldwell County.
	Approximately 100 feet downstream of the Burke/Caldwell County boundary.	+1,144	
Buffalo Creek .....	Approximately 1,500 feet upstream of the confluence with Yadkin River.	+1,160	Unincorporated Areas of Caldwell County.
	At the Caldwell/Watauga County boundary .....	+2,080	
Camp Creek .....	At the confluence with Wilson Creek .....	+1,449	Unincorporated Areas of Caldwell County.
	At the confluence of Harper Creek .....	+1,555	
Catawba River .....	At the Alexander/Caldwell County boundary .....	+936	Unincorporated Areas of Caldwell County, Town of Granite Falls, Town of Sawmills.
	Approximately 2,000 feet upstream of Burke/Caldwell County boundary.	+1,005	
Celia Creek .....	At the confluence with Husband Creek .....	+1,042	Unincorporated Areas of Caldwell County.
	Approximately 1.0 mile upstream of Celia Creek Road (State Road 1327).	+1,168	
Cold Water Creek .....	At the confluence with Johns River .....	+1,244	Unincorporated Areas of Caldwell County.
	Approximately 1.7 miles upstream of the confluence with Johns River.	+1,849	
Craig Creek .....	At the confluence with Wilson Creek .....	+1,394	Unincorporated Areas of Caldwell County.
	Approximately 1.9 miles upstream of the confluence with Wilson Creek.	+1,770	
Dennis Creek .....	At the confluence with Yadkin River .....	+1,883	Unincorporated Areas of Caldwell County.
	Approximately 120 feet downstream of Richland Road (State Road 1372).	+2,013	
Elk Branch .....	At the confluence with Jones Creek .....	+1,385	Unincorporated Areas of Caldwell County.
	Approximately 1,290 feet upstream of Old Sampson Road (State Road 1574).	+1,450	
Estes Mill Creek .....	At the confluence with Wilson Creek .....	+1,498	Unincorporated Areas of Caldwell County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground	Communities affected
		Modified	
	Approximately 1.2 miles upstream of the confluence with Wilson Creek.	+1,656	
Fiddle Creek .....	At the confluence with Mulberry Creek .....	+1,397	Unincorporated Areas of Caldwell County.
	Approximately 1,600 feet upstream of the confluence with Mulberry Creek.	+1,437	
Franklin Branch .....	At the confluence with Johns River .....	+1,108	Unincorporated Areas of Caldwell County.
	Approximately 1,500 feet upstream of the confluence of Franklin Branch Tributary 1.	+1,222	
Franklin Branch Tributary 1 .....	At the confluence with Franklin Branch .....	+1,199	Unincorporated Areas of Caldwell County.
	Approximately 1,540 feet upstream of the confluence with Franklin Branch.	+1,229	
Freemason Creek .....	Approximately 1.0 mile upstream of the confluence with Catawba River.	+1,004	Unincorporated Areas of Caldwell County, Town of Sawmills.
	Approximately 250 feet upstream of Stamey Road .....	+1,132	
Freemason Creek Tributary 1 ....	At the confluence with Freemason Creek .....	+1,013	Unincorporated Areas of Caldwell County, Town of Sawmills.
	Approximately 1.5 miles upstream of the confluence with Freemason Creek.	+1,102	
Freemason Creek Tributary 1A ..	At the confluence with Freemason Creek Tributary 1 .....	+1,023	Unincorporated Areas of Caldwell County, Town of Sawmills.
	Approximately 1,700 feet upstream of Hickory Nut Ridge Road.	+1,058	
Freemason Creek Tributary 2 ....	At the confluence with Freemason Creek .....	+1,056	Unincorporated Areas of Caldwell County, Town of Sawmills.
	Approximately 0.8 mile upstream of Horseshoe Bend Road ...	+1,128	
Freemason Creek Tributary 2A ..	At the confluence with Freemason Creek Tributary 2 .....	+1,082	Unincorporated Areas of Caldwell County, Town of Sawmills.
	Approximately 650 feet upstream of Lafayette Avenue .....	+1,163	
Ginger Creek .....	At the confluence with Middle Little River .....	+1,388	Unincorporated Areas of Caldwell County.
	Approximately 0.7 mile upstream of Draco Road .....	+1,459	
Ginger Creek Tributary 1 .....	At the confluence with Ginger Creek .....	+1,401	Unincorporated Areas of Caldwell County.
	Approximately 1.3 miles upstream of Scout Road (State Road 1728).	+1,731	
Greasy Creek .....	At the confluence with Lower Creek .....	+1,062	Unincorporated Areas of Caldwell County, City of Lenoir.
	Approximately 1,500 feet upstream of the confluence with Lower Creek.	+1,066	
Green Rock Branch .....	At the confluence with Buffalo Creek .....	+1,216	Unincorporated Areas of Caldwell County.
	Approximately 1.5 miles upstream of Buffalo Cove Road (State Road 1504).	+1,436	
Gunpowder Creek .....	At the confluence with Catawba River .....	+936	City of Lenoir, Town of Hudson, Town of Granite Falls, Unincorporated Areas of Caldwell County.
	Approximately 700 feet upstream of Southeast Applegate Court.	+1,321	
Gunpowder Creek Tributary 1 ....	At the confluence with Gunpowder Creek .....	+1,073	Unincorporated Areas of Caldwell County.
	Approximately 1.8 miles upstream of the confluence with Gunpowder Creek.	+1,186	
Gunpowder Creek Tributary 2 ....	At the confluence with Gunpowder Creek .....	+1,089	Unincorporated Areas of Caldwell County.

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		Modified	
Gunpowder Creek Tributary 2A ..	Approximately 50 feet downstream of Christie Road (State Road 1717).	+1,117	Unincorporated Areas of Caldwell County, Town of Hudson.
	At the confluence with Gunpowder Creek Tributary 2 .....	+1,090	
Gunpowder Creek Tributary 3 ....	Approximately 1,600 feet upstream of Christie Road .....	+1,123	Unincorporated Areas of Caldwell County, Town of Hudson.
	At the confluence with Gunpowder Creek .....	+1,107	
Gunpowder Creek Tributary 4 ....	Approximately 0.4 mile upstream of the confluence with Gunpowder Creek.	+1,158	Town of Hudson.
	Approximately 750 feet upstream of the confluence with Gunpowder Creek.	+1,158	
Gunpowder Creek Tributary 5 ....	Approximately 0.6 mile upstream of the confluence with Gunpowder Creek.	+1,220	City of Lenoir.
	Approximately 600 feet upstream of the confluence with Gunpowder Creek.	+1,213	
Gunpowder Creek Tributary 6 ....	Approximately 0.5 mile upstream of Hickory Boulevard .....	+1,280	City of Lenoir.
	Approximately 700 feet upstream of the confluence with Gunpowder Creek.	+1,242	
Harper Creek .....	Approximately 1,750 feet upstream of the railroad .....	+1,298	Unincorporated Areas of Caldwell County.
	At the confluence with Camp Creek .....	+1,555	
Hayes Mill Creek .....	At the Avery/Caldwell County boundary .....	+1,801	Unincorporated Areas of Caldwell County, Town of Granite Falls, Town of Sawmills.
	Approximately 1,500 feet upstream of the confluence with Catawba River.	+1,003	
Hayes Mill Creek Tributary 1 .....	Approximately 700 feet upstream of the confluence of Hayes Mill Creek Tributary 2.	+1,120	Unincorporated Areas of Caldwell County, Town of Sawmills.
	At the confluence with Hayes Mill Creek .....	+1,055	
Hayes Mill Creek Tributary 2 .....	Approximately 1,700 feet upstream of the confluence with Hayes Mill Creek.	+1,088	Town of Sawmills.
	At the confluence with Hayes Mill Creek .....	+1,113	
Husband Creek .....	Approximately 1,900 feet upstream of the confluence with Hayes Mill Creek.	+1,157	Unincorporated Areas of Caldwell County, Town of Gamewell.
	Approximately 0.5 mile upstream of the confluence with Lower River.	+1,031	
Husband Creek Tributary 1 .....	Approximately 1,900 feet upstream of Rocky Road (State Road 1143).	+1,202	Unincorporated Areas of Caldwell County.
	At the confluence with Husband Creek .....	+1,066	
Husband Creek Tributary 2 .....	Approximately 250 feet downstream of Fleming Chapel Church Road (State Road 1322).	+1,132	Unincorporated Areas of Caldwell County.
	At the confluence with Husband Creek .....	+1,096	
Jackson Camp Creek .....	Approximately 750 feet upstream of Crooked Creek Way .....	+1,124	Unincorporated Areas of Caldwell County
	At the confluence with Yadkin River .....	+1,757	
Jesse Fork .....	Approximately 1.0 mile upstream of Richland Road (State Road 1372).	+1,867	Unincorporated Areas of Caldwell County.
	At the confluence with Buffalo Creek .....	+1,349	
Jesse Fork Tributary 1 .....	Approximately 0.8 mile upstream of Stone Mountain Road (State Road 1503).	+1,640	Unincorporated Areas of Caldwell County.
	At the confluence with Jesse Fork .....	+1,453	
Johns River .....	Approximately 340 feet upstream of Wallace Coffey Place .....	+1,502	Unincorporated Areas of Caldwell County.
	At the Burke/Caldwell County boundary .....	+1,053	
	Approximately 3.5 miles upstream of the confluence of Thunderhole Creek.	+2,346	

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Jones Creek .....	At the confluence with Buffalo Creek .....	+1,347	Unincorporated Areas of Caldwell County.
	Approximately 1.3 miles upstream of CC Camp Road (State Road 1574).	+2,072	
Kings Creek 1 .....	At the confluence with Yadkin River .....	+1,097	Unincorporated Areas of Caldwell County.
Kings Creek 2 .....	At the confluence of Blue Creek and Little King Creek .....	+1,102	Unincorporated Areas of Caldwell County.
	At the confluence with Blue Creek .....	+1,181	
Kings Creek 2 Tributary 1 .....	Approximately 1.9 miles upstream of the confluence of Kings Creek 2 Tributary 1.	+1,252	Unincorporated Areas of Caldwell County.
	At the confluence with Kings Creek 2 .....	+1,201	
Laurel Creek .....	Approximately 1.2 miles upstream of Taylor Farm Road (State Road 1702).	+1,376	Unincorporated Areas of Caldwell County.
	At the confluence with Wilson Creek .....	+1,627	
Laytown Creek .....	Approximately 1.1 miles upstream of the confluence with Wil- son Creek.	+1,986	Unincorporated Areas of Caldwell County.
	At the confluence with Yadkin River .....	+1,110	
Little Creek .....	Approximately 1.8 miles upstream of Laytown Road (State Road 1507).	+1,633	Unincorporated Areas of Caldwell County.
	At the confluence with Upper Little River .....	+1,177	
Little Gunpowder Creek (near City of Lenoir).	Approximately 1.4 miles upstream of Cove Mountain Lane ....	+1,321	Town of Cajahs Mountain.
	Approximately 700 feet upstream of Southwest Walt Arney Road.	+1,218	
Little Gunpowder Creek (near Town of Hudson).	Approximately 1,100 feet upstream of Connelly Springs Road	+1,268	Unincorporated Areas of Caldwell County, Town of Cajahs Mountain, Town of Granite Falls, Town of Hud- son, Town of Sawmills.
	At confluence with Gunpowder Creek .....	+1,046	
Little Gunpowder Creek Tributary 1 (near Town of Hudson).	Approximately 1.4 miles upstream of Little Gunpowder Creek Drive.	+1,261	Unincorporated Areas of Caldwell County, Town of Hudson
	At the confluence with Little Gunpowder Creek (near Town of Hudson).	+1,183	
Little Gunpowder Creek Tributary 2 (near Town of Hudson).	Approximately 50 feet upstream of Madison MHP Drive .....	+1,249	Unincorporated Areas of Caldwell County, Town of Hudson.
	At the confluence with Little Gunpowder Creek (near Town of Hudson).	+1,194	
Little Kings Creek .....	Approximately 0.5 mile upstream of Chickadee Trail Place ....	+1,261	Unincorporated Areas of Caldwell County.
	At the confluence with Blue Creek and Kings Creek 1 .....	+1,102	
Little Mulberry Creek 1 .....	Approximately 1,630 feet upstream of Zacks Fork Road (State Road 1511).	+1,334	Unincorporated Areas of Caldwell County.
	Approximately 1,100 feet upstream of the confluence with Mulberry Creek.	+1,131	
Little Mulberry Creek 2 .....	Approximately 350 feet downstream of NC 90 .....	+1,225	Unincorporated Areas of Caldwell County.
	At the confluence with Mulberry Creek .....	+1,148	
Lost Cove Creek .....	Approximately 0.4 mile upstream of Shallow Creek Road (State Road 1350).	+1,234	Unincorporated Areas of Caldwell County.
	At the confluence with Wilson Creek .....	+1,563	
Lower Creek .....	At Avery/Caldwell County boundary .....	+1,580	Unincorporated Areas of Caldwell County, City of Lenoir, Town of Gamewell.
	At the Burke/Caldwell County boundary .....	+1,026	
	Approximately 1,900 feet upstream of Cedar Rock Circle (State Road 1706).	+1,131	

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Lower Creek Tributary 1 .....	At the confluence with Lower Creek .....	+1,099	Unincorporated Areas of Caldwell County, City of Lenoir.
McRory Creek .....	Approximately 0.7 mile upstream of Southeast Haigler Road	+1,536	Unincorporated Areas of Caldwell County.
	At the confluence with Upper Little River .....	+1,211	
Middle Little River .....	Approximately 0.6 mile upstream of McRory Creek Road (State Road 1721).	+1,285	Unincorporated Areas of Caldwell County.
	At the Alexander/Caldwell County boundary .....	+1,098	
Middle Little River Tributary 3 ....	Approximately 0.5 mile upstream of Brush Mountain Road (State Road 1733).	+1,419	Unincorporated Areas of Caldwell County.
	At the confluence with Middle Little River .....	+1,222	
Middle Little River Tributary 4 ....	Approximately 1,500 feet upstream of U.S. 64/Taylorsville Road.	+1,257	Unincorporated Areas of Caldwell County.
	At the confluence with Middle Little River .....	+1,314	
Middle Little River Tributary 5 ....	Approximately 1,000 feet upstream of Duck Creek Road (State Road 1730).	+1,360	Unincorporated Areas of Caldwell County.
	At the confluence with Middle Little River .....	+1,316	
Mill Creek .....	Approximately 0.5 mile upstream of the confluence with Middle Little River.	+1,362	Unincorporated Areas of Caldwell County.
	At the confluence with Upper Little River .....	+936	
Mill Creek (into Yadkin River) ....	Approximately 1.0 mile upstream of Petra Mill Road (State Road 1740).	+1,053	Unincorporated Areas of Caldwell County.
	At the confluence with Yadkin River .....	+1,154	
Morris Creek .....	Approximately 1.2 miles upstream of NC 268 Highway .....	+1,216	Unincorporated Areas of Caldwell County.
	At the confluence with Upper Little River .....	+1,132	
Mountain Run .....	Approximately 600 feet upstream of Sheriffs Road (State Road 1730).	+1,287	Unincorporated Areas of Caldwell County.
	At the confluence with Upper Little River .....	+1,185	
Mulberry Creek .....	Approximately 150 feet upstream of Fox Road .....	+1,321	Unincorporated Areas of Caldwell County.
	Approximately 500 feet upstream of the confluence of Little Mulberry Creek 1.	+1,131	
Old Field Branch .....	Approximately 0.7 mile upstream of the confluence of Amos Creek.	+1,514	Unincorporated Areas of Caldwell County.
	At the confluence with Buffalo Creek .....	+1,379	
Ooten Creek .....	Approximately 1.7 miles upstream of Cottrell Place .....	+1,548	Unincorporated Areas of Caldwell County.
	At the confluence with Yadkin River .....	+1,940	
Pilot Branch .....	Approximately 0.6 mile upstream of the confluence with Yadkin River.	+2,122	Unincorporated Areas of Caldwell County.
	At the confluence with Upper Little River .....	+1,145	
Preston Creek .....	Approximately 400 feet upstream of Burns Road (State Road 1749).	+1,206	Unincorporated Areas of Caldwell County.
	At the confluence with Yadkin River .....	+1,332	
Prong Creek .....	Approximately 650 feet upstream of Kirby Mountain Road (State Road 1370).	+1,548	Unincorporated Areas of Caldwell County.
	At the confluence with Johns River .....	+1,332	
Racket Creek .....	At the confluence of Racket Creek .....	+1,418	Unincorporated Areas of Caldwell County.
	At the confluence with Prong Creek .....	+1,418	
	Approximately 4.3 miles upstream of the confluence with Prong Creek.	+2,284	



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		Modified	
Raider Camp Creek .....	At the confluence with Harper Creek and Camp Creek .....	+1,555	Unincorporated Areas of Caldwell County.
	Approximately 1,800 feet upstream of the confluence with Harper Creek.	+1,638	
Rock Creek .....	At the confluence with Upper Little River .....	+1,018	Unincorporated Areas of Caldwell County.
	Approximately 1,400 feet upstream of State Road 1002 .....	+1,146	
Rockhouse Creek .....	At the confluence with Buffalo Creek .....	+1,670	Unincorporated Areas of Caldwell County.
	Approximately 1.3 miles upstream of the confluence with Buffalo Creek.	+1,900	
Rush Branch .....	At the confluence with Mulberry Creek .....	+1,344	Unincorporated Areas of Caldwell County.
	Approximately 0.9 mile upstream of the confluence with Mulberry Creek.	+1,406	
Silver Creek .....	At the confluence with Gunpowder Creek .....	+936	Unincorporated Areas of Caldwell County, Town of Granite Falls.
	Approximately 0.6 mile upstream of Falls Avenue .....	+1,078	
Spainhour Creek .....	At the confluence with Blairs Fork Creek .....	+1,121	City of Lenoir.
	Approximately 1,800 feet upstream of Blowing Rock Boulevard.	+1,176	
Stratford Creek .....	At the confluence with Catawba River .....	+1,005	Unincorporated Areas of Caldwell County.
	Approximately 0.7 mile upstream of Baton School Road (State Road 1139).	+1,110	
Stratford Creek Tributary 1 .....	At the confluence with Stratford Creek .....	+1,023	Unincorporated Areas of Caldwell County.
	Approximately 1,800 feet upstream of Baton School Road (State Road 1139).	+1,055	
Thorps Creek .....	At the confluence with Wilson Creek .....	+1,498	Unincorporated Areas of Caldwell County.
	Approximately 2,050 feet upstream of the confluence with Wilson Creek.	+1,540	
Thunderhole Creek .....	At the confluence with Johns River .....	+1,430	Unincorporated Areas of Caldwell County.
	Approximately 0.4 mile upstream of the confluence of New Years Creek.	+1,930	
Upper Little River .....	At the confluence with Catawba River .....	+936	Unincorporated Areas of Caldwell County.
	Approximately 0.7 mile upstream of Teaberry Lane .....	+1,294	
Upper Little River Tributary 1 .....	At the confluence with Upper Little River .....	+985	Unincorporated Areas of Caldwell County.
	Approximately 0.5 mile upstream of Charlie Little Road (State Road 1741).	+1,127	
Walnut Bottom Creek .....	At the confluence with Johns River .....	+1,316	Unincorporated Areas of Caldwell County.
	Approximately 0.6 mile upstream of the confluence with Johns River.	+1,371	
Warrior Creek .....	Approximately 300 feet upstream of the confluence with Yadkin River.	+1,214	Unincorporated Areas of Caldwell County.
	Approximately 210 feet upstream of Warrior Road (State Road 1346).	+1,251	
Wilson Creek .....	Approximately 1.1 miles upstream of Adako Road (State Road 1337).	+1,106	Unincorporated Areas of Caldwell County.
	Approximately 1,000 feet upstream of Avery/Caldwell County boundary.	+1,681	
Yadkin River .....	At the Caldwell/Wilkes County boundary .....	+1,090	Unincorporated Areas of Caldwell County.
	Approximately 2.2 miles upstream of the confluence of Ooten Creek.	+2,315	
Yadkin River Tributary 25 .....	At the confluence with Yadkin River .....	+1,128	Unincorporated Areas of Caldwell County.
	Approximately 1,730 feet downstream of Laytown Road (State Road 1507).	+1,284	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground	Communities affected
		Modified	
Zacks Fork Branch .....	At the confluence with Zacks Fork Creek ..... Approximately 1,350 feet upstream of the confluence with Zacks Fork Creek.	+1,104 +1,105	City of Lenoir.
Zacks Fork Creek .....	At the confluence with Lower Creek .....	+1,088	City of Lenoir, Unincorporated Areas of Caldwell County.
	Approximately 800 feet downstream of Northeast Georgetown Road.	+1,139	
Zacks Fork Creek Tributary 1 .....	Approximately 400 feet upstream of the confluence with Zacks Fork Creek.	+1,156	Unincorporated Areas of Caldwell County, City of Lenoir.
	Approximately 1.2 miles upstream of the confluence with Zacks Fork Creek.	+1,268	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**City of Lenoir**

Maps are available for inspection at Lenoir City Hall, 801 West Avenue Northwest, 3rd Floor, Lenoir, North Carolina.

**Town of Cajahs Mountain**

Maps are available for inspection at Cajahs Mountain Town Hall, 1800 Connelly Springs Road, Lenoir, North Carolina.

**Town of Gamewell**

Maps are available for inspection at the Gamewell Town Hall, 2750 Old Morganton Road, Lenoir, North Carolina.

**Town of Granite Falls**

Maps are available for inspection at Granite Falls Town Hall, 30 Park Square, Granite Falls, North Carolina.

**Town of Hudson**

Maps are available for inspection at Hudson Town Hall, 550 Central Street, Hudson, North Carolina.

**Town of Sawmills**

Maps are available for inspection at Sawmills Town Hall, 4076 U.S. Highway 321A, Sawmills, North Carolina.

**Unincorporated Areas of Caldwell County**

Maps are available for inspection at Caldwell County Courthouse, 1051 Harper Avenue, Lenoir, North Carolina.

**Knox County, Ohio, and Incorporated Areas FEMA Docket No.: B-7790**

Center Run .....	At East Gambier Rd .....	+979	Unincorporated Areas of Knox County.
	Approximately 700 feet downstream of E Vine St .....	+981	
Kokosing River .....	.55 miles upstream of Big Run Road .....	+944	Village of Gambier.
	Approximately 360 feet upstream of Laymon Rd .....	+953	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**Unincorporated Areas of Knox County**

Maps are available for inspection at 117 East High Street, Mount Vernon, OH 43050.

**Village of Gambier**

Maps are available for inspection at 115 Meadow Lane, Gambier, OH 43022.

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

Dated: January 22, 2009.

**Michael K. Buckley,**

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

[FR Doc. E9-6664 Filed 3-24-09; 8:45 am]

**BILLING CODE 9110-12-P**

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 509 and 552

[GSAR Amendment 2009-01; GSAR Case 2006-G512 (Change 27); Docket 2008-0007; Sequence 9]

RIN 3090-A157

### General Services Acquisition Regulation; GSAR Case 2006-G512; Rewrite of GSAR Part 509, Contractor Qualifications

**AGENCY:** Office of the Chief Acquisition Officer, General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is amending the General Services Administration Acquisition Manual (GSAM) to update the text addressing contractor qualifications. This rule is a result of the General Services Administration Acquisition Manual (GSAM) rewrite initiative undertaken by GSA to revise the GSAM to maintain consistency with the Federal Acquisition Regulation (FAR), and to implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can use when entering into and administering contractual relationships. The GSAM incorporates the General Services Administration Acquisition Regulation (GSAR) as well as internal agency acquisition policy.

**DATES:** Effective Date: April 24, 2009.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Meredith Murphy, Procurement Analyst, at (202) 208-6925. For information pertaining to status or publication schedules, contact the Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC, 20405, (202) 501-4755. Please cite Amendment 2009-01, GSAR case 2006-G512 (Change 27).

**SUPPLEMENTARY INFORMATION:**

## A. Background

### The GSAR Rewrite Project and Process

On February 15, 2006, GSA published an Advance Notice of Proposed Rulemaking (ANPR) with request for comments on all parts of the GSAM. As a result, two comments were received on Part 509. These are addressed below. In addition, internal review comments have been incorporated as appropriate. A proposed rule for the regulatory portion of the GSAM was published in the **Federal Register** at 73 FR 36013, June 25, 2008. In addition, GSA Acquisition Letter V-08-06, entitled "Changes to Procedures for Conducting Fact-Finding in a Debarment/Suspension Case Under GSAM Subpart 509.4," dated June 20, 2008, was incorporated into Subpart 509.4 (see below). The public comment period for GSAR Part 509 closed on August 25, 2008, and six comments were received from five commenters.

#### The Rewrite of Part 509

This final rule contains the revisions made to Part 509, Contractor Qualifications. GSA Form 353, Performance Evaluation and Facilities Report, is deleted so that similar FAR forms will be used instead. Subpart 509.2, subsection 509.405-1(b), and clauses 552.209-70 through 552.209-73 are deleted because they are deemed unnecessary. The explanation of "auditor" in 509.105-1 is removed because it is partly duplicative (credit and finance) and too restrictive (does not allow use of DCAA). Subsection 509.406-3(b)(7) is deleted as duplicative of 509.406-3(b)(5). The debarment legal authorities in 509.401 are updated. The term "Suspension and Debarment Official" is used consistently throughout the Part. Subparagraph 509.406-3(d) was rewritten to incorporate the procedures for conducting fact finding in a debarment or suspension case from GSA Acquisition Letter V-08-06, dated June 20, 2008.

#### Discussion of Comments

A proposed rule was published in the **Federal Register** at 73 FR 36013, June 25, 2008. The comment period closed August 25, 2008, and six comments were received from five commenters. Also, GSA Acquisition Letter V-08-06, published on June 20, 2008, was incorporated in the final rule.

##### 1. No new guidelines on teaming.

*Comment:* Four commenters wrote in support of the revisions to GSAR Part 509 and to advocate not creating new guidelines that would make it more difficult for small businesses to work as teams.

*Response:* Concur. There are no plans to create new guidelines for teaming.

2. *Revise rules for GSA Form 527 so as not to make it a last resort for contracting officers.*

*Comment:* The GSA Form 527, Contractor Qualifications and Financial Information, was retained, but associated text was modified to authorize its use "only after exhausting other available sources of information." While acknowledging that the GSA Form 527 is lengthy, the commenter does not think that making the preaward process longer by having contracting officers research all other sources of information prior to seeking needed information from the contractor is helpful to either party. The commenter said he would not be entirely comfortable making a responsibility determination based only on information external to the offeror, without providing the offeror an opportunity to tell its own story about qualifications and abilities.

*Response:* Nonconcur. FAR 9.105 includes the standards and procedures for requesting and obtaining information sufficient to determine the responsibility of a prospective contractor, *i.e.*, that an offeror meets the standards at FAR 9.104. A careful reading of FAR 9.105-1 nets a long list of potential sources for objective information, none of which are the offeror itself. While there is nothing wrong with obtaining information directly from an offeror, the offeror itself should not be the first, or the only, source of information for making a responsibility determination. GSA acquisition personnel should make greater use of the information sources listed in the FAR, and appropriate use of such sources would not extend the length of time needed to make a responsibility determination.

3. *Consider eliminating GSA Form 527.*

*Comment:* A commenter proposed to eliminate GSA Form 527, as long as GSA Finance will continue to perform financial reviews without it. Rather than using a lengthy form, the commenter said, perhaps a brief GSAR solicitation provision could be written detailing the type of information an offeror may be requested to provide to support a responsibility determination.

*Response:* Nonconcur. While this is a good concept, made in the spirit of eliminating unnecessary agency-level supplementation of the FAR, the GSA Office of Finance, at this time, will not agree to perform financial reviews without it.

4. *GSA Acquisition letter V-08-06, entitled "Changes to Procedures for*