

courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Riley, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone 214-665-8542; fax number 214-665-7263; e-mail address [riley.jeffrey@epa.gov](mailto:riley.jeffrey@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Why Is EPA Issuing This Proposed Rule?**

This document proposes to take action on SIP revisions pertaining to the El Paso area. We have published a direct final rule approving the State's SIP revisions in the "Rules and Regulations" section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

Dated: January 11, 2007.

**Richard E. Greene,**

*Acting Regional Administrator, Region 6.*  
[FR Doc. E7-925 Filed 1-22-07; 8:45 am]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket No. FEMA-D-7688]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed 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 Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more

stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

*National Environmental Policy Act.*

This proposed 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 proposed 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 proposed rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This proposed 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 proposed to be 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.

**§ 67.4 [Amended]**

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Camden County, New Jersey (All Jurisdictions)</b>				
Barton Run Tributary 3	At State Route 73 ..... Approximately 1,040 feet above Sunset Avenue.	+85 None	+84 +134	Township of Voorhees.
Cooper River .....	Approximately 180 feet upstream of Kaighns Avenue (County Route 607).	+9	+10	City of Camden, Borough of Collingswood, Township of Cherry Hill, Borough of Gibbsboro, Township of Haddon, Borough of Haddonfield, Borough of Lawnside, Borough of Lindenwold, Township of Pennsauken, Borough of Somerdale, Borough of Tavistock, Township of Voorhees.
Mason Run .....	Approximately 155 feet upstream of Gibbsboro Road. Approximately 50 feet downstream of Clementon Road County Route 683. Approximately 125 feet upstream of County Route 534.	None +23 None	+73 +25 +35	Borough of Lindenwold.
Millard Creek .....	At the confluence with Cooper River ..... Approximately 500 feet upstream of Gibbsboro Road (County Route 686).	+65 None	+64 +76	Borough of Gibbsboro.
Newton Creek .....	Approximately 10 feet downstream of White Horse Pike.	+9	+10	Borough of Audubon, Borough of Collingswood, Township of Haddon, Borough of Haddonfield, Borough of Oaklyn.
Nicholson Branch .....	Approximately 140 feet upstream of West End Avenue. At confluence with Millard Creek .....	None +65	+47 +67	Borough of Gibbsboro, Township of Voorhees.
North Branch .....	Approximately 590 feet upstream of North Lake Drive. At confluence with Cooper River .....	None +16	+100 +14	Township of Cherry Hill, Township of Voorhees.
Cooper River .....	Approximately 0.48 mile upstream of Kresson Road (County Route 671).	None	+86	
South Branch Newton Creek.	Approximately 60 feet upstream of abandoned railroad. Approximately 500 feet upstream of State Route 168.	+9 None	+10 +11	Borough of Audubon, Township of Haddon, City of Gloucester, Township of Mount Ephraim.
Tributary No. 1 to Cooper River.	At confluence with Cooper River .....	+39	+38	Township of Cherry Hill.
Tributary No. 2 .....	At downstream side of Burnt Mill Road ..... At confluence with Cooper River .....	+41 +40	+40 +38	Township of Cherry Hill.
Tributary No. 3 .....	At downstream side of Evesham Road ..... At confluence with Cooper River .....	+59 +43	+60 +42	Borough of Lawnside, Borough of Somerdale, Township of Voorhees.
Tributary No. 4 .....	Approximately 500 feet upstream of Evesham Road. At confluence with Cooper River .....	+54 +53	+55 +52	
Signey Run .....	At downstream side of Rural Avenue ..... Approximately 1,100 feet upstream confluence with North Branch Big Timber Creek.	+53 +15	+52 +16	Township of Gloucester, Borough of Hinnella, Borough of Stratford.
Tributary No. 1 to North Branch Cooper River.	At downstream side of Warwick Road ..... At confluence with North Branch Cooper River.	+43 +71	+42 +76	Township of Voorhees.
Tributary No. 2 .....	At downstream side of Kresson Road ..... At confluence with North Branch Cooper River.	+101 +77	+100 +82	Township of Voorhees.
Peter Brook .....	Approximately 900 feet upstream of confluence with North Branch Cooper River. At confluence with Newton Creek .....	+81 None	+82 +9	Borough of Audubon Park, Borough of Oaklyn.
North Branch Big Timber.	At approximately 0.92 mile upstream Newton Creek. At downstream side of East Atlantic Avenue (County Route 727).	None None	+9 +41	Borough of Clementon.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	At approximately 1,950 feet upstream of East Atlantic Avenue (County Route 727).	None	+41	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

#### ADDRESSES

##### **Borough of Audubon**

Maps are available for inspection at the Borough of Audubon, 606 West Nicholson Road, Audubon, New Jersey.

Send comments to The Honorable Anthony M. Pugliese, Mayor of the Borough of Audubon, 606 West Nicholson Road, Audubon, New Jersey 08106.

##### **Borough of Audubon Park**

Maps are available for inspection at the Borough of Audubon Park, 20 Road C, Audubon Park, New Jersey.

Send comments to The Honorable Donald M. Pennock, Mayor of the Borough of Audubon Park, 20 Road C, Audubon Park, New Jersey 08106.

##### **City of Camden**

Maps are available for inspection at the City of Camden Planning Department, 520 Market Street, Room 422, Camden, New Jersey.

Send comments to The Honorable Gwendolyn A. Faison, Mayor of the City of Camden, P.O. Box 95120, Camden, New Jersey 08101.

##### **Township of Cherry Hill**

Maps are available for inspection at the Cherry Hill Township Building, 820 Mercer Street, Cherry Hill, New Jersey.

Send comments to The Honorable Bernie Platt, Mayor of the Township of Cherry Hill, 820 Mercer Street, Cherry Hill, New Jersey 08002.

##### **Borough of Clementon**

Maps are available for inspection at the Borough of Clementon, 101 Gibbsboro Road, Clementon, New Jersey.

Send comments to The Honorable Mark E. Armbruster, Mayor of the Borough of Clementon, 101 Gibbsboro Road, Clementon, New Jersey.

##### **Borough of Collingswood**

Maps are available for inspection at the Borough of Collingswood, 678 Haddon Avenue, Collingswood, New Jersey.

Send comments to The Honorable Jim Maley, Mayor of the Borough of Collingswood, 678 Haddon Avenue, Collingswood, New Jersey 08108.

##### **Borough of Gibbsboro**

Maps are available for inspection at the Gibbsboro Borough Hall, 49 Kirkwood Drive, Gibbsboro, New Jersey.

Send comments to The Honorable Edward G. Campbell, III, Mayor of the Borough of Gibbsboro, 49 Kirkwood Drive, Gibbsboro, New Jersey 08026.

##### **City of Gloucester**

Maps are available for inspection at the City of Gloucester Municipal Building, 313 Monmouth Street, Gloucester, New Jersey.

Send comments to The Honorable Thomas J. Kilcourse, Mayor of the City of Gloucester, 313 Monmouth Street, Gloucester, New Jersey 08030.

##### **Township of Gloucester**

Maps are available for inspection at the Township of Gloucester Municipal Building, 1261 Chews Landing Road, Blackwood, New Jersey.

Send comments to The Honorable Cindy Rau-Hatton, Mayor of the Township of Gloucester, P.O. Box 8, CS #5, Blackwood, New Jersey 08012-0008.

##### **Township of Haddon**

Maps are available for inspection at the Township of Haddon Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.

Send comments to The Honorable William J. Park, Jr., Mayor of the Township of Haddon, 135 Haddon Avenue, Westmont, New Jersey 08108.

##### **Borough of Haddonfield**

Maps are available for inspection at the Borough of Haddonfield, 242 Kings Highway East, Haddonfield, New Jersey.

Send comments to The Honorable Leticia Colombi, Mayor of the Borough of Haddonfield, P.O. Box 3005, Haddonfield, New Jersey 08033.

##### **Borough of Hi-Nella**

Maps are available for inspection at the Hi-Nella Borough Hall, 100 Wykagl Road, Hi-Nella, New Jersey.

Send comments to The Honorable Ellen Wolica, Mayor of the Borough of Hi-Nella, 100 Wykagl Road, Hi-Nella, New Jersey 08038.

##### **Borough of Lawnside**

Maps are available for inspection at the Borough of Lawnside Zoning Department, 4 North Douglas Avenue, Lawnside, New Jersey.

Send comments to The Honorable Mark Bryant, Mayor of the Borough of Lawnside, 4 North Douglas Avenue, Lawnside, New Jersey 08045.

##### **Borough of Lindenwold**

Maps are available for inspection at the Borough of Lindenwold Construction Office, 2001 Egg Harbor Road, Lindenwold, New Jersey.

Send comments to The Honorable Frank DeLuca, Jr., Mayor of the Borough of Lindenwold, 2001 Egg Harbor Road, Lindenwold, New Jersey 08021.

##### **Borough of Mount Ephraim**

Maps are available for inspection at the Borough of Mt. Ephraim Tax Office, 121 South Black Horse Pike, Mount Ephraim, New Jersey.

Send comments to The Honorable Michael Reader, Mayor of the Borough of Mount Ephraim, 121 South Black Horse Pike, Mount Ephraim, New Jersey 08059.

##### **Borough of Oaklyn**

Maps are available for inspection at the Borough of Oaklyn, 500 White Horse Pike, Oaklyn, New Jersey 08107.

Send comments to The Honorable Michael LaMaina, Mayor of the Borough of Oaklyn, 500 White Horse Pike, Oaklyn, New Jersey.

##### **Township of Pennsauken**

Maps are available for inspection at the Pennsauken Municipal Building, Administration Office, 5605 North Crescent Boulevard, Pennsauken, New Jersey.

Send comments to The Honorable Greg Schofield, Mayor of the Township of Pennsauken, 5605 North Crescent Boulevard, Pennsauken, New Jersey 08110.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

**Borough of Somerdale**

Maps are available for inspection at the Somerdale Borough Hall, 105 Kennedy Boulevard, Somerdale, New Jersey.

Send comments to The Honorable Gary Passanante, Mayor of the Borough of Somerdale, 105 Kennedy Boulevard, Somerdale, New Jersey 08083.

**Borough of Stratford**

Maps are available for inspection at the Borough of Stratford, 307 Union Avenue, Stratford, New Jersey.

Send comments to The Honorable Thomas Angelucci, Mayor of the Borough of Stratford, 307 Union Avenue, Stratford, New Jersey 08084.

**Borough of Tavistock**

Maps are available for inspection at the Borough of Tavistock, Remington and Vernick Engineering, 232 Kings Highway, Haddonfield, New Jersey.

Send comments to The Honorable George J. Buff, III, Mayor of the Borough of Tavistock, P.O. Box 8988, Turnersville, New Jersey 08012.

**Township of Voorhees**

Maps are available for inspection at the Township of Voorhees, Municipal Clerk's Office, 620 Berlin Road, Voorhees, New Jersey.

Send comments to The Honorable Michael R. Mignogna, Mayor of the Township of Voorhees, 620 Berlin Road, Voorhees, New Jersey 08043.

**Passaic County, New Jersey (All Jurisdictions)**

Flooding source(s)	Location of referenced elevation	Effective	Modified	Communities affected
Molly Ann Brook .....	From the downstream side of Sherwood Avenue.	+125	+124	Borough of Haledon, Borough of Prospect Park, City of Paterson.
	Approximately 825 feet upstream of the weir.	+184	+185	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

**ADDRESSES****Borough of Haledon**

Maps are available for inspection at the Haledon Borough Hall, 510 Belmont Avenue, Haledon, New Jersey.

Send comments to The Honorable Ken Pengitore, Mayor of the Borough of Haledon, 510 Belmont Avenue, Haledon, New Jersey 07508.

**Borough of Prospect Park**

Maps are available for inspection at the Prospect Park Borough Hall, 106 Brown Avenue, Prospect Park, New Jersey.

Send comments to The Honorable Mohamed T. Kahairullah, Mayor of the Borough of Prospect Park, 106 Brown Avenue, Prospect Park, New Jersey 07508.

**City of Paterson**

Maps are available for inspection at the Paterson City Hall, 155 Market Street, Passaic, New Jersey.

Send comments to The Honorable Jose Torres, Mayor of the City of Paterson, 155 Market Street, Passaic, New Jersey 07505.

**Somerset County, New Jersey (All Jurisdictions)**

Flooding source(s)	Location of referenced elevation	Effective	Modified	Communities affected
Chambers Brook #1 .....	At confluence with North Branch Raritan River.	+79	+80	Township of Bedminster.
	Approximately 0.5 mile above the confluence with North Branch Raritan River.	+79	+80	
#2 .....	At confluence with North Branch Raritan River.	+70	+74	Township of Branchburg.
	Approximately 0.4 mile above the confluence with North Branch Raritan River.	+73	+74	
Cory's Brook .....	At the confluence with Passaic River .....	+214	+213	Township of Warren.
	Approximately 1,800 feet upstream of Powder Horn Road.	None	+405	
Cuckels Brook .....	At confluence with Raritan River .....	+37	+39	Township of Bridgewater.
	Approximately 0.92 mile upstream of confluence with Raritan River.	+41	+42	
Green Brook .....	At confluence with Raritan River .....	+32	+33	Borough of Bound Brook.
	Approximately 200 feet downstream Conrail.	+32	+33	
Harrison Brook Branch 1.	At confluence with Harrison Brook .....	+222	+220	Township of Bernards.
	At Lurlin Drive .....	+230	+231	
Indian Grave Brook .....	At confluence with Passaic River .....	+297	+304	Township of Bernards, Borough of Bernardsville.
	Approximately 100 feet downstream of County boundary.	+611	+610	
Millstone River .....	At confluence with Raritan River .....	+39	+41	Township of Franklin, Borough of Manville.
	At confluence of Royce Brook .....	+40	+41	
Moggy Brook .....	At confluence with North Branch .....	None	+125	Borough of Far Hills.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Neshanic River .....	Approximately 0.55 mile upstream of the confluence with North Branch Raritan River.	+154	+156	Township of Hillsborough.
	At the confluence with South Branch Raritan River.	+81	+82	
North Branch Raritan River Tributary C.	Approximately 1.73 miles upstream of Montgomery Road.	+103	+102	Borough of Bernardsville.
	At confluence with North Branch Raritan River.	+196	+197	
Peters Brook .....	Approximately 400 feet upstream of confluence with North Branch Raritan River.	+209	+210	Township of Bridgewater.
	At confluence with Raritan River .....	+46	+48	
Ross Brook .....	Approximately 900 feet downstream of North Bridge Street.	+48	+49	Township of Bridgewater, Borough of Somerville.
	At confluence with Peter's Brook .....	+46	+48	
Royce Brook .....	Approximately 45 feet downstream of Spring Street.	+47	+48	Borough of Manville.
	At confluence with Millstone River .....	+40	+41	
Tributary K .....	Approximately 0.4 mile upstream of confluence with Millstone River.	+40	+41	Borough of Bernardsville.
	At confluence with Indian Grave Brook .....	+449	+455	
	Approximately 1,670 feet upstream of Washington Corner Road.	+562	+564	

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

**ADDRESSES**

**Township of Bedminster**

Maps are available for inspection at the Bedminster Township Hall, One Miller Lane, Bedminster, New Jersey.  
 Send comments to The Honorable Robert Holtaway, Mayor of the Township of Bedminster, One Miller Lane, Bedminster, New Jersey 07921.

**Township of Bernards**

Maps available for inspection at the Township of Bernards Engineering Services Building, 277 South Maple Avenue, Basking Ridge, New Jersey.  
 Send comments to The Honorable John Malay, Mayor of the Township of Bernards, 1 Collyer Lane, Basking Ridge, New Jersey 07920.

**Borough of Bernardsville**

Maps available for inspection at the Bernardsville Municipal Building, 166 Mine Brook Road, Bernardsville, New Jersey.  
 Send comments to The Honorable Jay Parsons, Mayor of the Borough of Bernardsville, 166 Mine Brook Road, Bernardsville, New Jersey 07924.

**Borough of Bound Brook**

Maps available for inspection at the Bound Brook Borough Office, 230 Hamilton Street, Bound Brook, New Jersey.  
 Send comments to Mr. John J. Kennedy, Bound Brook Borough Administrator, 230 Hamilton Street, Bound Brook, New Jersey 08805.

**Township of Branchburg**

Maps available for inspection at the Branchburg Township Engineering Department, 1077 Route 202 North, Branchburg, New Jersey.  
 Send comments to The Honorable Kate Sarles, Mayor of the Township of Branchburg, 1077 Route 202 North, Branchburg, New Jersey 08876.

**Township of Bridgewater**

Maps available for inspection at the Bridgewater Township Code Enforcement Office, 700 Garretson Road, Bridgewater, New Jersey.  
 Send comments to The Honorable Patricia Flannery, Mayor of the Township of Bridgewater, 700 Garretson Road, Bridgewater, New Jersey 08807.

**Borough of Far Hills**

Maps available for inspection at the Far Hills Borough Municipal Building, 6 Prospect Street, Far Hills, New Jersey.  
 Send comments to The Honorable Carl J. Torsilieri, Mayor of the Borough of Far Hills, 6 Prospect Street, Far Hills, New Jersey 07931.

**Township of Franklin**

Maps available for inspection at the Franklin Township Engineering Department, 475 De Mott Lane, Somerset, New Jersey.  
 Send comments to Mr. Kenneth W. Daly, Franklin Township Manager, 475 De Mott Lane, Somerset, New Jersey 08873.

**Township of Hillsborough**

Maps available for inspection at the Hillsborough Township Municipal Complex, 379 South Branch Road, Hillsborough, New Jersey.  
 Send comments to The Honorable Carl Suraci, Mayor of the Township of Hillsborough, Hillsborough Township Municipal Complex, 379 South Branch Road, Hillsborough, New Jersey 08844.

**Borough of Manville**

Maps available for inspection at the Manville Borough Municipal Building, 325 North Main Street, Manville, New Jersey.  
 Send comments to The Honorable Angelo Corradino, Mayor of the Borough of Manville, 325 North Main Street, Manville, New Jersey 08835.

**Borough of Somerville**

Maps available for inspection at the Somerville Borough Hall, 25 West End Avenue, Somerville, New Jersey.  
 Send comments to The Honorable Brian G. Gallagher, 25 West End Avenue, Somerville, New Jersey 08876.

**Township of Warren**

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

Maps available for inspection at the Warren Township Engineering Department, 46 Mountain Boulevard, Warren, New Jersey.  
Send comments to The Honorable Carolyn Garafola, Mayor of the Township of Warren, 46 Mountain Boulevard, Warren, New Jersey 07059.

#### Clinton County, New York (All Jurisdictions)

AuSable River .....	Approximately 2.2 miles upstream of Lower Road Bridge.	None	+491	Town of Ausable, Town of Black Brook.
	At the confluence with West Branch AuSable River.	+549	+550	
Fern Lake .....	The entire shoreline .....	None	+1,225	Town of Black Brook.
Salmon River .....	Approximately 2,750 feet upstream of Fox Farm Road.	None	+306	Town of Peru.
	Approximately 1.2 miles upstream of Conners Road.	None	+585	
Saranac River .....	Approximately 5,100 feet upstream of Ore Bed Road.	None	+1,090	Town of Black Brook.
	Approximately 170 feet upstream of Union Falls Road.	None	+1,414	
West Branch .....	At the confluence with AuSable River .....	+551	+550	Town of Black Brook.
AuSable River .....	Approximately 170 feet upstream of the confluence with AuSable River.	+552	+551	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

#### ADDRESSES

##### Town of Ausable

Maps are available for inspection at the Ausable Town Office, 111 Ausable Street, Keeseville, New York.

Send comments to Ms. Sandra Senecal, Ausable Town Supervisor, 111 Ausable Street, Keeseville, New York 12944.

##### Town of Black Brook

Maps are available for inspection at the Black Brook Town Office, 18 North Main Street, Ausable Forks, New York.

Send comments to Mr. Ricky Nolan, Black Brook Town Supervisor, P.O. Box 715, Ausable Forks, New York 12912.

##### Town of Peru

Maps are available for inspection at the Peru Town Office, 3036 Main Street, Peru, New York.

Send comments to Mr. Donald E. Covell, Peru Town Supervisor, P.O. Box 596, Peru, New York 12792-0596.

#### Gaston County, North Carolina and Incorporated Areas

Blackwood Creek .....	At the confluence with Crowders Creek .....	+669	+662	Gaston County (Unincorporated Areas), City of Gastonia.
	Approximately 0.9 mile upstream of the confluence with Crowders Creek.	+674	+673	
Muddy Fork .....	Approximately 700 feet downstream of the Cleveland/Gaston County boundary.	None	+823	City of Cherryville, Gaston County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the Cleveland/Gaston County boundary.	None	+851	
Tributary B .....	At the confluence with Tributary A .....	None	+719	Gaston County (Unincorporated Areas), City of Gastonia.
	Approximately 230 feet upstream of the confluence with Tributary B-1.	None	+784	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

#### ADDRESSES

##### Gaston County (Unincorporated Areas)

Maps are available for inspection at Gaston County Administration Office, 128 West Main Street, Gastonia, North Carolina.

Send comments to Mr. Jan Winters, Gaston County Manager, 128 West Main Street, Gastonia, North Carolina 28053.

##### City of Cherryville

Maps are available for inspection at Cherryville City Hall, 116 South Mountain Street, Cherryville, North Carolina.

Send comments to The Honorable Bob Austell, Mayor of the City of Cherryville, 116 South Mountain Street, Cherryville, North Carolina 28021.

##### City of Gastonia

Maps are available for inspection at the City of Gastonia Engineering Department, 150 South York Street, Gastonia, North Carolina.

Send comments to The Honorable Jennifer Stulz, Mayor of the City of Gastonia, P.O. Box 1748, Gastonia, North Carolina 28053.

#### Windham County, Vermont (All Jurisdictions)

Broad Brook .....	At upstream side of State Route 142 .....	None	+229	Town of Vernon.
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Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Connecticut River .....	Approximately 0.81 mile upstream of Vernon Dam.	+226	+227	Village of Bellows Falls, Town of Brattleboro, Town of Dummerston, Town of Putney, Town of Rockingham, Town of Vernon, Town of Westminster.
	Approximately 7.42 miles upstream of Bellows Falls Dam.	+306	+305	
Saxtons River .....	At the confluence with the Connecticut River.	None	+257	Town of Athens, Village of Bellows Falls, Town of Grafton, Town of Westminster.
	Approximately 1,950 feet upstream of the confluence of Weaver Brook.	None	+590	
West River .....	At the confluence with the Connecticut River.	+235	+232	Town of Brattleboro, Town of Brookline, Town of Dummerston, Town of Jamaica.
	Upstream side of Ball Mountain Dam .....	None	+1,020	

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

**ADDRESSES**

**Village of Bellows Falls**

Maps are available for inspection at the Bellows Falls Village Hall, 7 Square, 3rd Floor, Bellows Falls, Vermont.  
 Send comments to Mr. John B. Schempf, Village of Bellows Falls Municipal Manager, P.O. Box 370, Bellows Falls, Vermont 05101.

**Town of Brattleboro**

Maps are available for inspection at the Brattleboro Planning Services Department, 230 Main Street, Suite 202, Brattleboro, Vermont.  
 Send comments to Mr. Stephen A. Steidle, Chairman of the Town of Brattleboro Board of Selectmen, 230 Main Street, Suite 208, Brattleboro, Vermont 05301.

**Town of Brookline**

Maps are available for inspection at the Brookline Town Office, 736 Grassy Brook Road, Brookline, Vermont.  
 Send comments to Ms. Joyce Meehl, Chairperson for the Town of Brookline Board of Selectmen, P.O. Box 403, Newfane, Vermont 05345.

**Town of Dummerston**

Maps are available for inspection at the Dummerston Town Hall, 1523 Middle Road, East Dummerston, Vermont.  
 Send comments to Ms. Cynthia Jerome, Chairperson for the Town of Dummerston Board of Selectmen, 1523 Middle Road, East Dummerston, Vermont 05346.

**Town of Putney**

Maps are available for inspection at the Putney Town Hall, 127 Main Street, Putney, Vermont.  
 Send comments to Mr. Christopher Ryan, Putney Town Manager and Zoning Administrator, P.O. Box 233, Putney, Vermont 05346.

**Town of Vernon**

Maps are available for inspection at the Vernon Town Office, 567 Governor Hunt Road, Vernon, Vermont.  
 Send comments to Mr. Peter Deyo, Chairman of the Town of Vernon Board of Selectmen, 567 Governor Hunt Road, Vernon, Vermont 05354.

**Town of Westminster**

Maps are available for inspection at the Westminster Town Hall, 3651 U.S. Route 5, Westminster, Vermont.  
 Send comments to Mr. Paul Harlow, Chairman of the Town of Westminster Board of Selectmen, P.O. Box 147, Westminster, Vermont 05158.

**Towns of Weathersfield and Windsor, Windsor County, Vermont**

Connecticut River .....	Approximately 1.91 miles downstream of confluence of the Black River.	+306	+305	Town of Harland, Town of Springfield, Town of Weathersfield, Town of Windsor.
	Approximately 2.27 miles upstream of confluence of Lulls Brook.	+334	+335	

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

**ADDRESSES**

**Town of Weathersfield**

Maps are available for inspection at the Town of Weathersfield, Martin Memorial Hall, 5259 Route 5, Ascutney, Vermont.  
 Send comments to Mr. Lawrence Melen, Weathersfield Town Manager, P.O. Box 550, Ascutney, Vermont 05030-0550.

**Town of Windsor**

Maps available for inspection at the Windsor Town Office, 29 Union Street, Windsor, Vermont.  
 Send comments to Mr. Donald Howard, Windsor Town Administrator, 29 Union Street, Windsor, Vermont 05089.

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

Dated: January 12, 2007.

**David I. Maurstad,**

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7-887 Filed 1-22-07; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF TRANSPORTATION

### 49 CFR Part 39

[Docket OST 2007 26829]

RIN 2105-AB87

#### Transportation for Individuals With Disabilities: Passenger Vessels

**AGENCY:** Department of Transportation, Office of the Secretary.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Department is proposing to issue a new Americans with Disabilities Act (ADA) rule to ensure nondiscrimination on the basis of disability by passenger vessels. This notice of proposed rulemaking (NPRM) concerns service and policy issues. Issues concerning physical accessibility standards will be addressed at a later time, in conjunction with proposed passenger vessel accessibility guidelines drafted by the Access Board.

*Comment Closing Date:* Comments should be submitted by April 23, 2007. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** You may submit comments identified by the docket number [OST 2007-26829] by any of the following methods:

- Web site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* Docket Management System; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- *Hand Delivery:* To the Docket Management System; Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* You must include the agency name and docket number [OST-2007-26829] or the Regulatory Identification Number (RIN) for this rulemaking at the beginning of your

comment. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided.

*Docket:* You may view the public docket through the Internet at <http://dms.dot.gov> or in person at the Docket Management System office at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590-0001. (202) 366-9306 (voice); (202) 755-7687 (TDD); [bob.ashby@dot.gov](mailto:bob.ashby@dot.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:** The Department of Transportation has issued rules concerning nondiscrimination on the basis of disability for almost every mode of passenger transportation, including public transportation (bus, subway, commuter rail), over-the-road buses, intercity rail, and air transportation. The only mode on which the Department has yet to propose rules is transportation by passenger vessels. With this NPRM, the Department is beginning the process of filling this remaining gap in our coverage of transportation for individuals with disabilities.

#### Background

When the Department issued its first Americans with Disabilities Act (ADA) rules in 1991, we explicitly asserted coverage over passenger vessels. The Department reserved action on passenger vessels in the regulatory text of this final rule, and we made the following statements on the subject in the preamble (56 FR 45599-45560; September 6, 1991):

Ferries and passenger vessels operated by public entities are covered by the ADA, and subject at this time to DOJ Title II requirements as well as § 37.5 of this Part \* \* \*. We anticipate further rulemaking to create appropriate requirements for passenger vessels \* \* \*. The reason for this action is that, at the present time, the Department lacks sufficient information to determine what are reasonable accessibility requirements for various kinds of passenger vessels. We note that the DOJ has determined that passenger vessels encompassing places of public accommodation (e.g., cruise ships, floating restaurants) are subject to the general nondiscrimination and policies and practices portions of its Title III rule (Subparts B and C of 28 CFR Part 36). The Department of Transportation anticipates working with the Access Board and DOJ on further rulemaking to define requirements for passenger vessels \* \* \*. The Department does want to make clear its view that the ADA does cover passenger vessels, including ferries,

excursion vessels, sightseeing vessels, floating restaurants, cruise ships, and others. Cruise ships are a particularly interesting example of vessels subject to ADA coverage.

Cruise ships are a unique mode of transportation. Cruise ships are self-contained floating communities. In addition to transporting passengers, cruise ships house, feed, and entertain passengers and thus take on aspects of public accommodations. Therefore cruise ships appear to be a hybrid of a transportation service and a public accommodation. As noted above, DOJ covers cruise ships as public accommodations under its Title III rules.

In addition to being public accommodations, cruise ships clearly are within the scope of a "specified public transportation service." The ADA prohibits discrimination in the full and equal enjoyment of specified public transportation services provided by a private entity that is primarily engaged in the business of transporting people and whose operations affect commerce (§ 304(a)). "Specified public transportation" is defined by § 301(10) as "transportation by bus, rail, or any other conveyance (other than by aircraft) that provides the general public with general or special service (including charter service) on a regular and continuing basis."

Cruise ships easily meet the definition of "specified public transportation." Cruise ships are used almost exclusively for transporting passengers and no one doubts that their operations affect commerce. Cruise ships operate according to set schedules or for charter and their services are offered to the general public. Finally, despite some seasonal variations, their services are offered on a regular and continuing basis.

Virtually all cruise ships serving U.S. ports are foreign-flag vessels. International law clearly allows the U.S. to exercise jurisdiction over foreign-flag vessels while they are in U.S. ports, subject to treaty obligations. A state has complete sovereignty over its internal waters, including ports. Therefore, once a commercial ship voluntarily enters a port, it becomes subject to the jurisdiction of the coastal state. In addition, a state may condition the entry of a foreign ship into its internal waters or ports on compliance with its laws and regulations. The United States thus appears to have jurisdiction to apply ADA requirements to foreign-flag cruise ships that call in U.S. ports.

The U.S. Supreme Court recently affirmed the Department's long-held view that the ADA covers passenger vessels, specifically including foreign-flag cruise ships. In *Spector et al. v. Norwegian Cruise Lines*, 545 U.S. 119 (2005), the Court held that cruise ships are "public accommodations" that provide "specified public transportation" within the meaning of the ADA. The Court said that, while there may be some limitations on the coverage of the ADA to matters purely concerning the internal affairs of a foreign-flag vessel, matters concerning