

- C. Republishing paragraph (f) introductory text.
- D. Revising paragraphs (f)(1), (f)(2), (f)(3) introductory text, and (f)(3)(i).
- E. Removing and reserving paragraph (f)(3)(ii).
- The revisions read as follows:

**§ 433.68 Permissible health care-related taxes.**

(a) *General rule.* A State may receive health care-related taxes, without a reduction in FFP, only in accordance with the requirements of this section.

\* \* \* \* \*

(f) *Hold harmless.* A taxpayer will be considered to be held harmless under a tax program if any of the following conditions applies:

(1) The State (or other unit of government) imposing the tax provides for a direct or indirect non-Medicaid payment to those providers or others paying the tax and the payment amount is positively correlated to either the tax amount or to the difference between the Medicaid payment and the tax amount. A positive correlation includes any positive relationship between these variables, even if not consistent over time.

(2) All or any portion of the Medicaid payment to the taxpayer varies based only on the tax amount, including where Medicaid payment is conditional on receipt of the tax amount.

(3) The State (or other unit of government) imposing the tax provides for any direct or indirect payment, offset, or waiver such that the provision of that payment, offset, or waiver directly or indirectly guarantees to hold taxpayers harmless for all or any portion of the tax amount.

(i)(A) An indirect guarantee will be determined to exist under a two prong "guarantee" test. If the health care-related tax or taxes on each health care class are applied at a rate that produces revenues less than or equal to 6 percent of the revenues received by the taxpayer, the tax or taxes are permissible under this test. The phrase "revenues received by the taxpayer" refers to the net patient revenue attributable to the assessed permissible class of health care items or services. However, for the period of January 1, 2008 through September 30, 2011, the applicable percentage of net patient service revenue is 5.5 percent.

Compliance in State fiscal year 2008 will be evaluated from January 1, 2008 through the last day of State fiscal year 2008. Beginning with State fiscal year 2009 the 5.5 percent tax collection will be measured on an annual State fiscal year basis.

(B) When the tax or taxes produce revenues in excess of the applicable percentage of the revenue received by the taxpayer, CMS will consider an indirect hold harmless provision to exist if 75 percent or more of the taxpayers in the class receive 75 percent or more of their total tax costs back in enhanced Medicaid payments or other State payments. The second prong of the indirect hold harmless test is applied in the aggregate to all health care taxes applied to each class. If this standard is violated, the amount of tax revenue to be offset from medical assistance expenditures is the total amount of the taxpayers' revenues received by the State.

(ii) [Reserved]

**§ 433.70 [Amended]**

- 10. Section 433.70 is amended by—
- A. Revising the section heading.
- B. Removing paragraph (a)(1).
- C. Removing the paragraph designation for existing paragraph (a)(2).
- The revised heading reads as follows:

**§ 433.70 Limitation on level of FFP for revenues from health care-related taxes.**

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: October 23, 2007.

**Kerry Weems,**

*Acting Administrator, Centers for Medicare & Medicaid Services.*

Approved: December 3, 2007.

**Michael O. Leavitt,**

*Secretary.*

**Editorial Note:** This document was received at the Office of the Federal Register on February 15, 2008.

[FR Doc. E8-3207 Filed 2-21-08; 8:45 am]

**BILLING CODE 4120-01-P**

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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**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:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
<b>Williamson County, Illinois, and Incorporated Areas</b> <b>Docket No.: FEMA B-7733 &amp; D-7816</b>			
Campground Creek .....	Where Main Street crosses over Campground Creek .....	+423	Unincorporated Areas of Williamson County.
	490 feet upstream of Main Street .....	+424	
	1090 feet upstream of Edgewood Park .....	+428	
	1160 feet upstream of Edgewood Park .....	+428	
Crab Orchard Creek .....	200 feet upstream of Fosse Road .....	+417	Unincorporated Areas of Williamson County.
East Fork Campground Creek	Just Downstream of State Highway 13 .....	+430	Unincorporated Areas of Williamson County.
	Where Main Street crosses East Fork Campground Creek	+423	
Lake Creek .....	865 feet upstream of Belinda Road .....	+426	Unincorporated Areas of Williamson County.
	Where Prosperity Road crosses Lake Creek .....	+402	
West Fork Campground Creek.	650 feet upstream of Newton Avenue .....	+410	Unincorporated Areas of Williamson County.
	Confluence with Campground Creek .....	+424	
West Fork .....	25 feet downstream of Honeysuckle Lane .....	+424	Unincorporated Areas of Williamson County.
	Confluence with Westernaire Creek .....	+423	
Westernaire Creek .....	700 feet Downstream of Bainbridge Trail .....	+426	Unincorporated Areas of Williamson County.
Westernaire Creek .....	Where Main Street crosses over Westernaire Creek .....	+421	
	750 feet upstream of DeYoung Street .....	+432	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES**

**Unincorporated Areas of Williamson County**

Maps are available for inspection at Supervisor of Assessments Office, 200 West Jefferson, Marion, IL 62959.

**Breckinridge County, Kentucky, and Incorporated Areas**

**Docket No.: FEMA-B-7726**

Ohio River .....	Hancock County Boundary (Approximately 6,900 feet downstream of confluence with Clover Creek).	+407	City of Cloverport, Breckinridge County (Unincorporated Areas).
	Meade County Boundary (Approximately 7,400 feet upstream of confluence with Ohio River Tributary 1).	+418	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES**

**City of Cloverport**

Maps are available for inspection at 212 West Main Street, Cloverport, KY 40111.

**Breckinridge County (Unincorporated Areas)**

Maps are available for inspection at 111 West Second Street, Hardinsburg, KY 40143.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
<b>Rutherford County, North Carolina and Incorporated Areas</b> <b>Docket No.: FEMA-D-7714</b>			
Arrowood Branch .....	At the confluence with McKinney Creek .....	+708	Unincorporated Areas of Rutherford County.
	Approximately 0.7 mile upstream of the confluence with McKinney Creek.	+723	
Beaverdam Creek (near State Road 1733).	At the confluence with First Broad River .....	+1,035	Unincorporated Areas of Rutherford County.
	Approximately 600 feet upstream of Old C C Road (State Road 1731).	+1,449	
Big Camp Creek .....	At the confluence with Second Broad River .....	+862	Unincorporated Areas of Rutherford County.
	Approximately 970 feet upstream of Frog Creek Road .....	+984	
Big Horse Creek .....	At the confluence with Broad River .....	+697	Unincorporated Areas of Rutherford County.
	Approximately 1.1 miles upstream of State Line Road (State Road 2105).	+749	
Big Spring Branch .....	At the confluence with Second Broad River .....	+815	Town of Forest City.
	Approximately 230 feet downstream of East Trade Street ...	+974	
Bills Creek .....	At the confluence with Cove Creek .....	+868	Unincorporated Areas of Rutherford County, Town of Lake Lure.
	Approximately 1,300 feet upstream of Shumont Estates Drive.	+1,206	
Bills Creek Tributary 2 .....	At the confluence with Bills Creek .....	+991	Unincorporated Areas of Rutherford County.
	Approximately 800 feet upstream of Brookside Parkway .....	+1,243	
Bills Creek Tributary 3 .....	At the confluence with Bills Creek .....	+1,056	Unincorporated Areas of Rutherford County.
	Approximately 1.4 miles upstream of Bills Creek Road (State Road 1008).	+1,239	
Bowen Branch .....	At the confluence with Sandy Run .....	+865	Unincorporated Areas of Rutherford County.
	Approximately 1,300 feet upstream of Gene Walker Road (State Road 1763).	+875	
Box Creek .....	At the confluence with Second Broad River .....	+953	Unincorporated Areas of Rutherford County.
	Approximately 0.7 mile upstream of the confluence with Second Broad River.	+1,010	
Bracketts Creek .....	At the confluence with Floyds Creek .....	+781	Town of Forest City, Unincorporated Areas of Rutherford County.
	Approximately 490 feet upstream of Withrow Road .....	+973	
Bracketts Creek Tributary 5 ..	At the confluence with Bracketts Creek .....	+902	Town of Forest City.
	Approximately 0.4 mile upstream of South Church Street ...	+941	
Bracketts Creek Tributary 8 ..	At the confluence with Bracketts Creek .....	+955	Town of Forest City.
	Approximately 0.4 mile upstream of Oak Street .....	+980	
Brier Creek .....	At the confluence with First Broad River .....	+962	Unincorporated Areas of Rutherford County.
	Approximately 1,700 feet upstream of the confluence of Pot Branch.	+1,120	
Broad River .....	At the Rutherford/Cleveland County boundary .....	+680	Village of Chimney Rock, Town of Lake Lure, Unincorporated Areas of Rutherford County.
	At the Rutherford/Henderson County boundary .....	+1,411	
Broad River Tributary 6 .....	At the confluence with Broad River .....	+694	Unincorporated Areas of Rutherford County.
	Approximately 1,700 feet upstream of Island Ford Road .....	+697	
Buck Branch (into Second Broad River).	At the confluence with Second Broad River .....	+818	Unincorporated Areas of Rutherford County, Town of Forest City.
	Approximately 300 feet downstream of West Trade Street ..	+949	
Buck Branch (into West Fork Sandy Run).	At the Rutherford/Cleveland County boundary .....	+801	Unincorporated Areas of Rutherford County.
	Approximately 0.7 mile upstream of Rutherford/Cleveland County boundary.	+820	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Buffalo Creek (into Lake Lure).	At the confluence with Broad River .....	+998	Unincorporated Areas of Rutherford County, Town of Lake Lure.
	Approximately 7.0 miles upstream of confluence with the Broad River.	+2,818	
Buffalo Creek Tributary 1 .....	At the confluence with Buffalo Creek (Lake Lure) .....	+1,192	Unincorporated Areas of Rutherford County, Town of Lake Lure.
	Approximately 2.3 miles upstream of Buffalo Creek Road (State Road 1314).	+2,795	
Cane Creek .....	At the confluence with Second Broad River .....	+855	Unincorporated Areas of Rutherford County.
	At the Rutherford/McDowell County boundary .....	+975	
Cane Creek (into Broad River).	At the confluence with Broad River .....	+693	Unincorporated Areas of Rutherford County.
	Approximately 0.5 mile upstream of the confluence with Broad River.	+694	
Cane Creek (into Lake Lure)	At the confluence with Broad River .....	+998	Unincorporated Areas of Rutherford County, Town of Lake Lure.
	Approximately 0.5 mile upstream of Girl Scout Camp Road (State Road 1186).	+1,354	
Catheys Creek .....	At the confluence with Second Broad River .....	+829	Unincorporated Areas of Rutherford County.
	Approximately 0.5 mile upstream of Thermal City Road (State Road 1321).	+1,051	
Catheys Creek Tributary 16 ..	At the confluence with Catheys Creek .....	+872	Unincorporated Areas of Rutherford County.
	Approximately 0.4 mile upstream of the confluence with Catheys Creek.	+878	
Cedar Creek .....	At the confluence with Cove Creek .....	+877	Unincorporated Areas of Rutherford County.
	Approximately 1,200 feet upstream of the confluence of Taylor Creek.	+1,154	
Cedar Creek Tributary 3 .....	At the confluence with Cedar Creek .....	+1,032	Unincorporated Areas of Rutherford County.
	Approximately 0.9 mile upstream of the confluence with Cedar Creek.	+1,151	
Charles Creek .....	At the confluence with Cleghorn Creek .....	+755	Unincorporated Areas of Rutherford County.
	Approximately 0.5 mile upstream of the confluence with Cleghorn Creek.	+755	
Cherry Creek .....	At the confluence with Catheys Creek .....	+913	Unincorporated Areas of Rutherford County.
	Approximately 500 feet upstream of Railroad .....	+951	
Cleghorn Creek .....	At the confluence with Broad River .....	+755	Unincorporated Areas of Rutherford County, Town of Rutherfordton.
	Approximately 0.5 mile upstream of Reece Street .....	+953	
Cleghorn Creek Tributary 10	At the confluence with Cleghorn Creek .....	+865	Town of Rutherfordton.
	Approximately 50 feet downstream of West 3rd Street .....	+910	
Cleghorn Creek Tributary 11	At the confluence with Cleghorn Creek .....	+868	Town of Rutherfordton.
	Approximately 20 feet downstream of Laurel Drive .....	+1,041	
Cleghorn Creek Tributary 12	At the confluence with Cleghorn Creek .....	+892	Town of Rutherfordton.
	Approximately 0.8 mile upstream of the confluence with Cleghorn Creek.	+988	
Cleghorn Creek Tributary 13	At the confluence with Cleghorn Creek .....	+898	Town of Rutherfordton.
	Approximately 0.4 mile upstream of North Main Street/U.S. Highway 221.	+954	
Cleghorn Creek Tributary 7 ...	At the confluence with Cleghorn Creek .....	+795	Unincorporated Areas of Rutherford County, Town of Rutherfordton.
	Approximately 1,000 feet upstream of Hugh Street .....	+990	
Cleghorn Creek Tributary 9 ...	At the confluence with Cleghorn Creek .....	+832	Unincorporated Areas of Rutherford County, Town of Rutherfordton.
	Approximately 150 feet downstream of NC Highway 108 ....	+886	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Copper Mine Branch .....	At the confluence with Morrow Creek .....	+804	Unincorporated Areas of Rutherford County, Town of Forest City.
Cove Creek .....	Approximately 800 feet upstream of Fairview Street ..... At the confluence with Broad River .....	+953 +836	Unincorporated Areas of Rutherford County.
Crawley Branch .....	Approximately 1.0 mile upstream of Painters Gap Road (State Road 1328). At the confluence with Big Camp Creek .....	+1,129 +936	Unincorporated Areas of Rutherford County.
Dills Creek .....	Approximately 1,800 feet upstream of the confluence with Big Camp Creek. At the confluence with Broad River .....	+947 +714	Unincorporated Areas of Rutherford County.
Duncans Creek .....	Approximately 0.8 mile upstream of the confluence with Broad River. At the Rutherford/Cleveland County boundary .....	+716 +914	Unincorporated Areas of Rutherford County.
East Branch Mountain Creek	Approximately 2.2 miles upstream of Duncans Creek Road (State Road 1749). At the confluence with Mountain Creek and West Branch Mountain Creek.	+987 +823	Unincorporated Areas of Rutherford County.
First Broad River .....	Approximately 350 feet downstream of Piney Knob Road (State Road 1331). Approximately 1,000 feet downstream of the Rutherford/Cleveland County boundary.	+981 +931	Unincorporated Areas of Rutherford County.
Floyds Creek .....	Approximately 1,400 feet upstream of Golden Valley Church Road (State Road 1726). At the confluence with Broad River .....	+1,110 +699	Unincorporated Areas of Rutherford County.
Frasheur Creek .....	Approximately 500 feet upstream of Sunset Memorial Road (State Road 2179). At the confluence with Greasy Creek .....	+941 +1,125	Unincorporated Areas of Rutherford County.
Goodes Creek .....	At the Rutherford/McDowell County boundary ..... At the confluence with Broad River .....	+1,152 +695	Unincorporated Areas of Rutherford County.
Grab Branch .....	Approximately 400 feet upstream of Island Ford Road ..... At the confluence with Floyds Creek .....	+695 +886	Unincorporated Areas of Rutherford County.
Grab Branch Tributary 1 .....	Approximately 90 feet downstream of U.S. 221S Highway .. At the confluence with Grab Branch .....	+943 +924	Unincorporated Areas of Rutherford County.
Grays Creek .....	Approximately 900 feet upstream of Burch Hutchins Road (State Road 2171). At the confluence with Broad River .....	+944 +747	Unincorporated Areas of Rutherford County.
Greasy Creek .....	Approximately 1.1 miles upstream of confluence with Broad River. At the confluence with Cove Creek .....	+762 +1,125	Unincorporated Areas of Rutherford County.
Grog Creek .....	At the Rutherford/McDowell County boundary ..... At the Rutherford/Cleveland County boundary .....	+1,153 +833	Unincorporated Areas of Rutherford County.
Heaveners Creek .....	Approximately 600 feet upstream of U.S. Highway 74 Bypass. At the confluence with Roberson Creek .....	+892 +902	Unincorporated Areas of Rutherford County.
Hensons Creek .....	Approximately 200 feet downstream of Joe Bostic Road (State Road 1712). At the confluence with Broad River .....	+915 +720	Unincorporated Areas of Rutherford County.
Hills Creek .....	Approximately 20 feet upstream of County Line Road (State Road 1101). At the confluence with Second Broad River .....	+822 +722	Unincorporated Areas of Rutherford County.
	Approximately 290 feet upstream of Dobbins Road .....	+825	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Hinton Creek .....	At the Rutherford/Cleveland County boundary .....	+979	Unincorporated Areas of Rutherford County.
Holland Creek .....	Approximately 200 feet upstream of Hinton Creek Road (State Road 1753).	+1,054	
Hollands Creek .....	At the confluence with Second Broad River .....	+792	Unincorporated Areas of Rutherford County.
Hollands Creek .....	Approximately 450 feet upstream of Old Caroleen Road (State Road 1901).	+807	
Hollands Creek Tributary 4 ...	At the confluence with Catheys Creek .....	+836	Unincorporated Areas of Rutherford County, Town of Ruth, Town of Rutherfordton, Town of Spindale.
Hunting Creek .....	Approximately 1,800 feet upstream of U.S. Highway 221 ....	+950	
Hunting Creek .....	At the confluence with Roberson Creek .....	+875	Unincorporated Areas of Rutherford County.
Jarrets Creek .....	Approximately 250 feet upstream of Depriest Road (State Road 1713).	+1,067	
Jarrets Creek .....	At the confluence with Broad River .....	+727	Unincorporated Areas of Rutherford County.
Knob Creek (into Broad River).	Approximately 0.5 mile upstream of the confluence with Broad River.	+744	
Knob Creek (into Broad River) Tributary 11.	At the confluence with Broad River .....	+816	Unincorporated Areas of Rutherford County.
Knob Creek (into Broad River) Tributary 9.	Approximately 800 feet upstream of McEntire Road (State Road 1341).	+921	
Knob Creek (into Broad River) Tributary 9.	At the confluence with Knob Creek (into Broad River) .....	+874	Unincorporated Areas of Rutherford County.
Knob Creek (into Broad River) Tributary 9.	Approximately 0.5 mile upstream of Pleasant Grove Road (State Road 1345).	+1,070	
Knob Creek (into Broad River) Tributary 9.	At the confluence with Knob Creek (into Broad River) .....	+862	Unincorporated Areas of Rutherford County.
Little Camp Creek .....	Approximately 0.6 mile upstream of McEntire Road (State Road 1341).	+1,006	
Little Camp Creek .....	At the confluence with Big Camp Creek .....	+870	Unincorporated Areas of Rutherford County.
Maple Creek .....	Approximately 0.4 mile upstream of Old Morganton Road (State Road 1513).	+926	
Maple Creek .....	At the confluence with Mountain Creek .....	+784	Unincorporated Areas of Rutherford County.
McKinney Creek .....	Approximately 200 feet upstream of U.S. 64/74A Highway	+903	
McKinney Creek .....	At the confluence with Broad River .....	+705	Unincorporated Areas of Rutherford County.
Mill Creek (into Catheys Creek).	Approximately 1,500 feet upstream of Ted Smith Road (State Road 1104).	+789	
Mill Creek (into Catheys Creek).	At the confluence with Catheys Creek .....	+957	Unincorporated Areas of Rutherford County.
Morrow Creek .....	Approximately 0.8 mile upstream of the confluence with Catheys Creek.	+967	
Morrow Creek .....	At the confluence with Second Broad River .....	+803	Unincorporated Areas of Rutherford County, Town of Forest City.
Mountain Creek .....	Approximately 0.8 mile upstream of Pine Street (State Road 1903).	+873	
Mountain Creek .....	At the confluence with Broad River .....	+758	Unincorporated Areas of Rutherford County.
Mountain Creek Tributary 16	At the confluence with East Branch Mountain Creek and West Branch Mountain Creek.	+823	
Mountain Creek Tributary 16	At the confluence with Mountain Creek .....	+816	Unincorporated Areas of Rutherford County.
Mountain Creek Tributary of Tributary 16.	Approximately 1.0 mile upstream of Clearwater Parkway ....	+954	
Mountain Creek Tributary of Tributary 16.	At the confluence with Mountain Creek Tributary 16 .....	+834	Unincorporated Areas of Rutherford County, Town of Rutherfordton.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
North Fork First Broad River	Approximately 700 feet downstream of Thompson Road (State Road 1367). At the confluence with First Broad River .....	+987 +1,082	Unincorporated Areas of Rutherford County.
Piney Creek .....	Approximately 1.5 miles upstream of the confluence of Sally Queen Creek. At the confluence with Cedar Creek .....	+1,397 +895	Unincorporated Areas of Rutherford County.
Piney Creek Tributary 1 .....	Approximately 310 feet upstream of the confluence of Piney Creek Tributary 1. At the confluence with Piney Creek .....	+982 +967	Unincorporated Areas of Rutherford County.
Piney Knob Creek .....	Approximately 0.7 mile upstream of Bills Creek Road (State Road 1008). At the confluence with West Branch Mountain Creek .....	+1,328 +879	Unincorporated Areas of Rutherford County.
Pool Creek .....	Approximately 300 feet upstream of Elliott Road (State Road 1348). At the confluence with Broad River (Lake Lure) .....	+908 +998	Town of Lake Lure.
Pot Branch .....	Approximately 1,900 feet upstream of Bottomless Pools Drive. At the confluence with Brier Creek .....	+1,122 +1,102	Unincorporated Areas of Rutherford County.
Puzzle Creek .....	Approximately 2.3 miles upstream of the confluence with Brier Creek. At the confluence with Second Broad River .....	+1,415 +804	Unincorporated Areas of Rutherford County, Town of Bostic.
Reynolds Creek .....	Approximately 200 feet upstream of Piney Mountain Church Road (State Road 1007). At the confluence with Hollands Creek .....	+893 +897	Unincorporated Areas of Rutherford County, Town of Spindale.
Richardson Creek .....	Approximately 0.6 mile upstream of West Street .....	+1,046 +705	Unincorporated Areas of Rutherford County.
Roberson Creek .....	Approximately 100 feet upstream of Sulphur Springs Church Road (State Road 1135). At the confluence with Second Broad River .....	+807 +825	Unincorporated Areas of Rutherford County, Town of Bostic.
Rosy Branch .....	Approximately 200 feet upstream of Calton Road (State Road 1745). At the confluence with Taylor Creek .....	+1,056 +1,962	Unincorporated Areas of Rutherford County.
Sally Queen Creek .....	Approximately 1.5 miles upstream of Twin Chimneys Road At the confluence with North Fork First Broad River .....	+2,727 +1,292	Unincorporated Areas of Rutherford County.
Sandy Run .....	Approximately 2.2 miles upstream of the confluence with North Fork First Broad River. At the Rutherford/Cleveland County boundary .....	+1,706 +835	Unincorporated Areas of Rutherford County.
Second Broad River .....	Approximately 150 feet upstream of Hopewell Road (State Road 1760). At the confluence with Broad River .....	+906 +680	Unincorporated Areas of Rutherford County, Town of Forest City.
Second Broad River Tributary 7.	Approximately 1.9 miles upstream of Box Creek Road (State Road 1500). At the confluence with Second Broad River .....	+990 +750	Unincorporated Areas of Rutherford County.
Second Broad River Tributary 8.	Approximately 1.4 miles upstream of Old Henrietta Road (State Road 2129). At the confluence with Second Broad River .....	+786 +758	Unincorporated Areas of Rutherford County.
Somey Creek .....	Approximately 40 feet upstream of Chime Lane .....	+799	Unincorporated Areas of Rutherford County.
	At the confluence with First Broad River .....	+1,110	Unincorporated Areas of Rutherford County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
South Creek .....	Approximately 400 feet upstream of Camp McCall Road (State Road 1749). At the confluence with First Broad River .....	+1,231 +1,075	Unincorporated Areas of Rutherford County.
Stoney Creek .....	Approximately 1.3 miles upstream of Golden Valley Church Road (State Road 1726). At the confluence with Second Broad River .....	+1,121 +974	Unincorporated Areas of Rutherford County.
Suck Creek (into Broad River).	Approximately 1,400 feet upstream of Thermal City Road (State Road 1321). Approximately 1.1 miles downstream of Kirby Road .....	+1,001 +769	Unincorporated Areas of Rutherford County.
Taylor Creek .....	Approximately 300 feet upstream of Kirby Road (State Road 1978). At the confluence with Cedar Creek .....	+779 +1,147	Unincorporated Areas of Rutherford County.
Taylor Creek Tributary 1 .....	Approximately 0.5 mile upstream of the confluence of Rosy Branch. At the confluence with Taylor Creek .....	+2,009 +1,841	Unincorporated Areas of Rutherford County.
Webbs Branch .....	Approximately 0.6 mile upstream of Bison Meadows .....	+2,535	Town of Forest City.
Webbs Creek .....	At the confluence with Second Broad River .....	+805 +907 +789	Unincorporated Areas of Rutherford County.
West Branch Mountain Creek	Approximately 340 feet upstream of U.S. Highway 74 .....	+833 +823	Unincorporated Areas of Rutherford County.
West Fork Sandy Run .....	At the confluence with East Branch Mountain Creek and Mountain Creek. Approximately 0.6 mile upstream of Darlington Road (State Road 1351). At the Rutherford/Cleveland County boundary .....	+884 +801	Unincorporated Areas of Rutherford County.
West Fork Sandy Run Tributary 7.	Approximately 1,000 feet upstream of Hollis Road (State Road 1749). At the confluence with West Fork Sandy Run .....	+901 +825	Unincorporated Areas of Rutherford County.
	Approximately 0.9 mile upstream of the confluence with West Fork Sandy Run.	+842	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES**

**Town of Bostic**

Maps are available for inspection at the Bostic Town Hall, 104 Pearidge Road, Bostic, North Carolina.

**Town of Forest City**

Maps are available for inspection at the Forest City Town Hall, 128 North Powell Street, Forest City, North Carolina.

**Town of Lake Lure**

Maps are available for inspection at the Lake Lure Town Hall, 2948 Memorial Highway, Lake Lure, North Carolina.

**Town of Ruth**

Maps are available for inspection at the Ruth Town Hall, 199 Northview-Dorsey Street, Ruth, North Carolina.

**Town of Rutherfordton**

Maps are available for inspection at the Rutherfordton Town Hall, 129 North Main Street, Rutherfordton, North Carolina.

**Town of Spindale**

Maps are available for inspection at the Spindale Town Hall, 104 Reveley Street, Spindale, North Carolina.

**Unincorporated Areas of Rutherford County**

Maps are available for inspection at the Rutherford County Building Inspections and Planning Department, 141 West Third Street, Rutherfordton, North Carolina.

**Village of Chimney Rock**

Maps are available for inspection at the Village of Chimney Rock Office, 109 Terrace Drive, Chimney Rock, North Carolina.

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>Coffee County, Tennessee, and Incorporated Areas Docket No.: FEMA-B-7705</b>				
Duck River .....	Approximately 740 feet downstream of U.S. Highway 41.	*999	+1001	City of Manchester.
	Approximately 263 feet downstream of U.S. Highway 41.	*999	+1001	
Duck River .....	Approximately 263 feet downstream of U.S. Highway 41.	*999	+1001	Coffee County (Unincorporated Areas).
	Just upstream of Interstate 24 .....	*1013	+1012	

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

**ADDRESSES**

**City of Manchester**

Maps are available for inspection at Planning and Use Department, 1329 McArthur Street, Manchester, TN 37355.

**Coffee County (Unincorporated Areas)**

Maps are available for inspection at Manchester City Hall, 200 West Fort Street, Manchester, TN 37355.

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

Dated: February 12, 2008.

**David I. Maurstad,**

*Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E8-3347 Filed 2-21-08; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 070213032-7032-01]

RIN 0648-XF74

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2008 total allowable catch (TAC) of Pacific cod

apportioned to vessels catching Pacific cod for processing by the inshore component of the Central Regulatory Area of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 20, 2008, until 1200 hrs, A.l.t., September 1, 2008.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allocation of the 2008 TAC of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore component of the Central Regulatory Area of the GOA is 15,350 metric tons (mt) as established by the 2007 and 2008 harvest specifications for groundfish of the GOA (72 FR 9676, March 5, 2007) and revision (73 FR 1554, January 9, 2008).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season allocation of the 2008 TAC of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore component of the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is

establishing a directed fishing allowance of 12,850 mt, and is setting aside the remaining 2,500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

**Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod apportioned to vessels catching Pacific cod for processing by the inshore component of the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most