

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Raven Fork .....	Approximately 1,650 feet upstream of Big Cove Road	None	+2638	Eastern Band of Cherokee Indians.
Shepherd Creek .....	Approximately 0.5 mile upstream of Big Cove Road ...	None	+2663	Unincorporated Areas of Swain County.
	At the confluence with Kirkland Creek .....	None	+1844	
Silvermine Creek .....	Approximately 1.4 miles upstream of the confluence with Kirkland Creek.	None	+2232	Unincorporated Areas of Swain County.
	At the confluence with Nantahala River .....	None	+1724	
Straight Fork .....	Approximately 100 feet upstream of Taylor Road (State Road 1104).	None	+2151	Eastern Band of Cherokee Indians.
	Approximately 100 feet upstream of the confluence with Raven Fork.	+2454	+2455	
Toot Hollow Branch .....	Approximately 1.0 mile upstream of the confluence with Raven Fork.	None	+2558	Unincorporated Areas of Swain County, Town of Bryson City.
	At the confluence with Tuckasegee River .....	+1735	+1734	
Tuckasegee River .....	Approximately 330 feet upstream of Monteith Road (State Road 1334).	None	+1806	Unincorporated Areas of Swain County, Eastern Band of Cherokee Indians, Town of Bryson City.
	At the confluence with Little Tennessee River .....	None	+1710	
Wesser Creek .....	At the upstream side of U.S. 74/U.S. 441 .....	None	+1845	Unincorporated Areas of Swain County.
	At the confluence with Conley Creek .....	None	+1984	
Wesser Creek (into Nantahala River).	Approximately 200 feet upstream of Estes Drive .....	None	+2052	Unincorporated Areas of Swain County.
	At the confluence with Nantahala River .....	None	+1711	
	Just downstream of the confluence of Right Fork Wesser Creek.	None	+2201	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

#### ADDRESSES

##### Eastern Band of Cherokee Indians

Maps are available for inspection at Ginger Lynn Welch Complex, 810 Acquoni Road, Cherokee, NC.

##### Town of Bryson City

Maps are available for inspection at Town of Bryson City Manager's Office, 45 Everett Street, Bryson City, NC.

##### Unincorporated Areas of Swain County

Maps are available for inspection at Swain County Mapping Department, 101 Mitchell Street, Bryson City, NC.

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

Dated: March 3, 2008.

**Michael K. Buckley,**

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

[FR Doc. E8-4726 Filed 3-7-08; 8:45 am]

BILLING CODE 9110-12-P

#### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-B-7756]

#### Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects the table to a proposed rule published in the **Federal Register** of January 16, 2008. This correction clarifies the table representing the flooding source(s), location of referenced elevation, the effective and modified elevation in feet and the communities affected for Pulaski County, Arkansas, and Incorporated Areas; specifically, for flooding sources "Good Earth Drain, Isom Creek, Kinley Creek, Little Maumelle River, Nowlin Creek, South

Loop, South Split, Taylor Loop Creek and Tributary 4 to Little Maumelle River," than was previously published.

**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) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1-percent-annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), 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 BFEs 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.

**Correction**

In proposed rule FR Doc. E8-725, beginning on page 2860 in the issue of January 16, 2008, make the following corrections, in the table published under the authority of 44 CFR 67.4. On page 2860, in § 67.4, in the table with center heading Pulaski County, Arkansas, and Incorporated Areas, the flooding source, location of referenced elevation, the effective and modified elevation in feet and the communities affected for flooding sources "Good Earth Drain, Isom Creek, Kinley Creek, Little Maumelle River, Nowlin Creek, South Loop, South Split, Taylor Loop Creek and Tributary 4 to Little Maumelle River", need to be corrected to read as follows:

\* \* \* \* \*

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

**Pulaski County, Arkansas, and Incorporated Areas**

Good Earth Drain .....	Approximately 250 ft downstream of Cantrell Rd. Intersection.	+283	+281	City of Little Rock.
Isom Creek .....	Divergence from Taylor Loop Creek .....	+287	+285	Unincorporated Areas of Pulaski County, City of Little Rock.
	Confluence with Taylor Loop Creek .....	+264	+265	
Kinley Creek .....	Approximately 100 feet upstream of Russ Street .....	+346	+345	Unincorporated Areas of Pulaski County.
	Confluence with Nowlin Creek .....	+350	+292	
Little Maumelle River .....	Approximately 50 feet downstream of Garrison Rd intersection.	+413	+411	Unincorporated Areas of Pulaski County.
	Approximately 445 feet upstream of intersection with Highway 300.	+268	+270	
Nowlin Creek .....	Intersection with Brush Mountain Trail .....	+564	+561	Unincorporated Areas of Pulaski County.
	Confluence with Little Maumelle River .....	+268	+271	
South Loop .....	Approximately 3200 feet upstream of Forestry Road intersection.	+500	+497	Unincorporated Areas of Pulaski County.
	Confluence with Taylor Loop Creek .....	+264	+266	
South Split .....	Divergence with Taylor Loop Creek .....	+306	+305	Unincorporated Areas of Pulaski County, City of Little Rock.
	Approximately 700 feet upstream from confluence with South Loop.	+286	+285	
Taylor Loop Creek .....	Divergence from South Loop .....	+295	+290	Unincorporated Areas of Pulaski County, City of Little Rock.
	Confluence with Little Maumelle River .....	+264	+266	
Tributary 4 to Little Maumelle River.	Approximately 800 Feet upstream of Valley Estates Dr. intersection.	+431	+430	Unincorporated Areas of Pulaski County, City of Little Rock.
	Confluence with Little Maumelle River .....	None	+266	
	Intersection with Cantrell Rd. ....	None	+301	
	Approximately 3488 feet upstream from intersection with Autumn Blaze Trail.	None	+509	

\* \* \* \* \*

Dated: March 3, 2008.

**Michael K. Buckley,**

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

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**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Parts 13 and 19**[FAR Case 2006-034; Docket 2007-0001;  
Sequence 15]

RIN 9000-AK92

**Federal Acquisition Regulation: FAR  
Case 2006-034, Socioeconomic  
Program Parity**

**AGENCIES:** Department of Defense (DoD),  
General Services Administration (GSA),  
and National Aeronautics and Space  
Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** The Civilian Agency  
Acquisition Council and the Defense  
Acquisition Regulations Council  
(Councils) are proposing to amend the  
Federal Acquisition Regulation (FAR) to  
ensure that the FAR reflects the Small  
Business Administration's (SBA)  
interpretation of the Small Business Act  
and SBA regulations with regard to the  
relationship among various small  
business programs.

**DATES:** *Comment date:* Interested parties  
should submit written comments to the  
Regulatory Secretariat at the address  
shown below on or before May 9, 2008,  
to be considered in the formation of the  
final rule.

**ADDRESSES:** Submit comments,  
identified by FAR Case 2006-034, by  
any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>.

Submit comments via the Federal  
eRulemaking portal by inputting "FAR  
Case 2006-034" under the heading  
"Comment or Submission". Select the  
link "Send a Comment or Submission"  
that corresponds with FAR Case 2006-  
034. Follow the instructions provided to  
complete the "Public Comment and  
Submission Form". Please include your  
name, company name (if any), and  
"FAR Case 2006-034" on your attached  
document.

- *Fax:* 202-501-4067.

- *Mail:* General Services

Administration, Regulatory Secretariat  
(VPR), 1800 F Street, NW., Room 4035,  
ATTN: Diedra Wingate, Washington, DC  
20405.

*Instructions:* Please submit comments  
only and cite FAR case 2006-034 in all  
correspondence related to this case. All  
comments received will be posted  
without change to <http://www.regulations.gov>, including any  
personal and/or business confidential  
information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms.  
Rhonda Cundiff, Procurement Analyst,  
at (202) 501-0044 for clarification of  
content. The FAR Secretariat at (202)  
501-4755 for information pertaining to  
status or publication schedules. Please  
cite FAR case 2006-034.

**SUPPLEMENTARY INFORMATION:****A. Background**

The purpose of this rule is to ensure  
that the FAR clearly reflects SBA's  
interpretation of the Small Business Act  
and SBA's interpretation of its  
regulations with regard to the order of  
precedence that applies when deciding  
whether to satisfy a requirement  
through an award to a small business, a  
HUBZone small business concern, a  
service-disabled veteran-owned small  
business (SDVOSB) concern or a small  
business participating in the 8(a)  
Business Development Program (8(a)  
Program).

This FAR rule is intended to make the  
following clear:

(1) There is no order of precedence  
among the 8(a), HUBZone, or SDVOSB  
Programs. However, if a requirement has  
been accepted by SBA under the 8(a)  
Program, it must remain in the 8(a)  
Program unless SBA agrees to its release  
in accordance with 13 CFR 124, 125 and  
126.

(2) For acquisitions exceeding  
\$100,000, the contracting officer must  
consider making award under the 8(a),  
HUBZone or SDVOSB Programs (either  
set-aside or sole source) before the  
contracting officer proceeds with a  
small business set-aside. See 19.203(b)  
and 19.502-2(b).

After having considered making  
award under the 8(a), HUBZone or  
SDVOSB Programs, the contracting  
officer may set aside an acquisition for  
small business, with one exception. By  
statute (15 U.S.C. 657a(b)(2)(B)), the  
contracting officer cannot set the  
acquisition aside for small business if  
the criteria for setting it aside for  
HUBZone small business are met.

(3) FAR 19.502-2(a) sets forth the  
requirement to exclusively reserve

acquisitions for small business between  
\$3,000 and \$100,000 unless the  
contracting officer determines there is  
not a reasonable expectation of  
obtaining offers from two or more small  
businesses that are competitive in terms  
of market prices, quality, and delivery.  
This proposed rule clarifies that these  
small business set-asides do not  
preclude award of a contract to a  
qualified HUBZone small business  
concern pursuant to the HUBZone  
Program, an 8(a) Program participant  
pursuant to the 8(a) Program, or to a  
SDVOSB concern pursuant to the  
SDVOSB Program because the SBA's  
regulations give the contracting officer  
discretionary authority to use the  
HUBZone, 8(a), or SDVOSB Programs at  
these dollar levels. In addition, the rule  
shows that, unlike procurements that  
are expected to exceed \$100,000, it is  
not mandatory that the contracting  
officer set aside an acquisition for  
HUBZone small business concerns  
before setting aside the requirement for  
small businesses.

(4) SBA believes that progress in  
fulfilling the various small business  
goals, as well as other factors such as  
the results of market research and the  
acquisition history, should be  
considered in making a decision as to  
which program to use for the  
acquisition.

This is not a significant regulatory  
action and, therefore, was not subject to  
review under Section 6(b) of Executive  
Order 12866, Regulatory Planning and  
Review, dated September 30, 1993. The  
rule is not a major rule under 5 U.S.C.  
804.

**B. Regulatory Flexibility Act**

This change may have a significant  
economic impact on a significant  
number of small entities within the  
meaning of the Regulatory Flexibility  
Act 5 U.S.C. 601, *et seq.*, because it will  
clarify the relationship among various  
small business programs with regard to  
whether one has priority over another  
for acquisition purposes. It has been  
unclear to the acquisition community if  
there is an order of precedence that  
applies when deciding whether to  
satisfy a requirement through an award  
to small business, HUBZone small  
business, service disabled veteran-  
owned small business or a small  
business participating in the 8(a)  
Business Development Program. This  
proposed rule will have both a negative  
and positive impact on the 8(a) Business  
Development Program, the HUBZone  
Program, the Service-Disabled Veteran-  
Owned Small Business Program and the  
Small Business Program.