

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	

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** 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

Town of Belle Haven

Maps are available for inspection at P.O. Box 238, Belle Haven, VA 23306.

Town of Onancock

Maps are available for inspection at 15 North Street, Onancock, VA 23417.

Town of Tangier

Maps are available for inspection at 4301 Joshua Thomas Lane, Tangier, VA 23440.

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

Dated: February 20, 2008.

David I. Maurstad,

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

[FR Doc. E8-4723 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-7767]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1 percent annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood

Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before June 9, 2008.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-7767, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) bill.blanton@dhs.gov.

FOR FURTHER INFORMATION CONTACT:

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151 or (e-mail) bill.blanton@dhs.gov.

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.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

Administrative Procedure Act Statement. This matter is not a rulemaking governed by the Administrative Procedure Act (APA), 5 U.S.C. 553. FEMA publishes flood elevation determinations for notice and comment; however, they are governed by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and do not fall under the APA.

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.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

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	
Swain County, North Carolina, and Incorporated Areas				
Adams Creek	Approximately 650 feet upstream of the confluence with Oconaluftee River.	None	+1874	Eastern Band of Cherokee Indians.
Alarka Creek	Approximately 130 feet upstream of Red Clay Road ..	None	+2233	Unincorporated Areas of Swain County.
	At the confluence with Little Tennessee River	None	+1710	
Bunches Creek	Approximately 1,100 feet upstream of Unahala Creek Road (State Road 1138).	None	+2556	Eastern Band of Cherokee Indians.
	Approximately 150 feet upstream of the confluence with Raven Fork.	+2384	+2385	
Conley Creek	Approximately 0.8 mile upstream of Bunches Creek Road.	None	+3158	Unincorporated Areas of Swain County.
	At the confluence with Tuckasegee River	None	+1845	
Cooper Creek	Approximately 1,900 feet upstream of Childers Barn Lane.	None	+2113	Unincorporated Areas of Swain County, Eastern Band of Cherokee Indians.
	At the confluence with Tuckasegee River	+1795	+1792	
Deep Creek	Approximately 100 feet upstream of Issac Wiggins Road.	None	+2057	Unincorporated Areas of Swain County, Town of Bryson City.
	At the confluence with Tuckasegee River	+1741	+1740	
Goose Creek	Approximately 150 feet upstream of Access Road to Deep Creek Campgrounds.	None	+1805	Eastern Band of Cherokee Indians.
	At the upstream side of Goose Creek Road	None	+1855	
Jenkins Branch	Approximately 1,050 feet upstream of Goose Creek Road.	None	+1904	Town of Bryson City.
	At the confluence with Tuckasegee River	+1728	+1727	
Kirkland Creek	Approximately 200 feet upstream of Eastside Drive	None	+1815	Unincorporated Areas of Swain County, Town of Bryson City.
	At the confluence with Tuckasegee River	+1754	+1751	
Little Tennessee River	Approximately 100 feet upstream of Kirklands Creek Road (State Road 1164).	None	+2222	Unincorporated Areas of Swain County.
	At the North Carolina/Tennessee State boundary	None	+1088	
Nantahala River	Approximately 150 feet upstream of the Swain/Macon County boundary.	None	+1857	Unincorporated Areas of Swain County.
	At the confluence with Little Tennessee River	None	+1710	
Oconaluftee River	At the Swain/Macon County boundary	None	+1985	Unincorporated Areas of Swain County.
	Approximately 1.0 mile upstream of the confluence with Raven Fork.	None	+2056	
Pigeon Creek	Approximately 1.8 miles upstream of the confluence with Raven Fork.	None	+2135	Eastern Band of Cherokee Indians.
	Approximately 20 feet upstream of confluence with Raven Fork.	None	+2257	
	Approximately 0.7 mile upstream of the confluence with Raven Fork.	None	+2717	

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.

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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.

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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