

it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: August 29, 2008.

**Russell L. Wright, Jr.,**

*Acting Regional Administrator, Region 4.*  
[FR Doc. E8-20874 Filed 9-8-08; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-B-1003]

#### 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 December 8, 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-1003, 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](mailto: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 (email) [bill.blanton@dhs.gov](mailto: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	
<b>Hunterdon County, New Jersey, and Incorporated Areas</b>				
Back Brook .....	Upstream of Van Lieu's Rd .....	+117	+119	Township of East Amwell.
	Upstream of Route 179 .....	+193	+195	
First Neshanic River .....	Downstream of U.S. Route 202 .....	+147	+148	Township of Raritan.
	Upstream of Railroad .....	+154	+160	
Holland Brook .....	Downstream of Hillcrest/Centerville Rd .....	+99	+101	Township of Readington.
	Upstream of Holland Brook Rd .....	+148	+148	
Neshanic River .....	Downstream of Rainbow Hill Rd .....	+106	+104	Township of East Amwell.
	Downstream of Old York Rd .....	+120	+125	
Neshanic River .....	Upstream of Everitt Rd .....	+123	+128	Township of Raritan.
	Downstream of Kuhl Rd .....	+135	+137	
Second Neshanic River .....	Upstream of U.S. Route 202 .....	+141	+143	Township of Raritan.
	Upstream of Joanna Farm Rd .....	+171	+172	
South Branch Raritan River ..	Downstream of Old York Rd .....	+97	+97	Township of Raritan.
	Downstream of Railroad .....	+106	+107	
South Branch Raritan River ..	Upstream of Higginsville Rd .....	+92	+92	Township of Readington.
	Downstream of Rockafellows Mills Rd .....	+104	+104	
Third Neshanic River .....	Downstream of U.S. Route 202 .....	+137	+140	Township of Raritan.
	Upstream of Everitt Rd .....	+149	+152	
Walnut Brook .....	Upstream of Railroad .....	+154	+160	Township of Raritan.
	Upstream of Mine Rd .....	+189	+191	
Walnut Brook .....	Upstream of Corporate Limits .....	+167	+170	Borough of Flemington.
	Upstream State Route 12 .....	+179	+180	

\* 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

##### **Borough of Flemington**

Maps are available for inspection at Borough Hall, 38 Park Avenue, Flemington, NJ 08822.

##### **Township of East Amwell**

Maps are available for inspection at Municipal Building, 1070 Route 202/31, Ringoes, NJ 08551-1051.

##### **Township of Raritan**

Maps are available for inspection at Municipal Building, One Municipal Drive, Flemington, NJ 08822.

##### **Township of Readington**

Maps are available for inspection at Municipal Building, 509 Route 523, Whitehouse Station, NJ 08889.

<b>Transylvania County, North Carolina, and Incorporated Areas</b>				
Allison Creek .....	Approximately 450 feet upstream of the confluence with Lamb Creek.	+2115	+2116	Unincorporated Areas of Transylvania County, City of Brevard.
	Approximately 1,100 feet upstream of Camp Straus Road.	+2189	+2187	
Davidson River Tributary 1 ...	At the confluence with Davidson River .....	+2108	+2109	Unincorporated Areas of Transylvania County, City of Brevard.
Lime Kiln Creek .....	Approximately 1,440 feet upstream of Ecusta Road ...	+2138	+2144	Unincorporated Areas of Transylvania County.
	Approximately 0.6 mile upstream of the confluence with French Broad River.	+2149	+2150	
	Approximately 750 feet upstream of Ross Road (State Road 1334).	+2211	+2213	
Mason Creek .....	Approximately 50 feet upstream of Whitmire Road (State Road 1128).	+2158	+2159	Unincorporated Areas of Transylvania County.
	Approximately 0.4 mile upstream of Cherryfield Loop (State Road 1392).	+2209	+2227	

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+ North American Vertical Datum.

# Depth in feet above ground.

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

\*\*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**

**City of Brevard**

Maps are available for inspection at City of Brevard Planning Department, 95 West Main Street, Brevard, NC.

**Unincorporated Areas of Transylvania County**

Maps are available for inspection at Transylvania County Inspections Department, 98 East Morgan Street, Brevard, NC.

**Crockett County, Tennessee, and Incorporated Areas**

South Fork of Forked Deer River.	At the Crockett/Madison/Haywood county boundary ...	None	+319	Unincorporated Areas of Crockett County.
	Approximately 1,365 feet upstream of the confluence with Connley Creek (At the Crockett/Madison county boundary).	None	+324	

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+ 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**

**Unincorporated Areas of Crockett County**

Maps are available for inspection at 1 S. Bell Street, Courthouse, Alamo, TN 38001.

**Dickson County, Tennessee, and Incorporated Areas**

East Piney River .....	At the confluence of Piney River .....	None	+584	Unincorporated Areas of Dickson County, City of Dickson.
	Approximately 3,400 feet upstream of the confluence of Willow Branch.	None	+696	
Fivemile Creek .....	Approximately 2,700 feet downstream of County Highway 1847.	None	+548	Unincorporated Areas of Dickson County, Town of White Bluff.
	Approximately 3,370 feet upstream of County Highway 1847.	None	+584	
Piney River .....	At the confluence with East Piney River .....	None	+584	Unincorporated Areas of Dickson County.
	Approximately 200 feet upstream of County Road 1858.	None	+629	

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+ 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**

**City of Dickson**

Maps are available for inspection at Director of Planning and Zoning, 200 Center Avenue, Dickson, TN 37055.

**Town of White Bluff**

Maps are available for inspection at 1016 Taylor Town Road, White Bluff, TN 37187.

**Unincorporated Areas of Dickson County**

Maps are available for inspection at Director of Planning and Zoning, 2 Court Square, Charlotte, TN 37036.

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>Humphreys County, Tennessee, and Incorporated Areas</b>				
Kentucky Lake (Tennessee River).	At the Humphreys/Perry/Benton county boundary .....	None	+375	Humphreys County, City of New Johnsonville.
	At the Humphreys/Houston/Benton county boundary ..	None	+375	

\* 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

##### City of New Johnsonville

Maps are available for inspection at City Hall, 323 Long Street, New Johnsonville, TN 37134.

##### Humphreys County

Maps are available for inspection at Chamber of Commerce, 124 E. Main Street, Waverly, TN 37185.

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

Dated: August 26, 2008.

**Michael K. Buckley,**

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

[FR Doc. E8-20822 Filed 9-8-08; 8:45 am]

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#### DEPARTMENT OF HOMELAND SECURITY

##### Federal Emergency Management Agency

##### 44 CFR Part 67

[Docket No. FEMA-B-7786]

##### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule; correction.

**SUMMARY:** On June 20, 2008, FEMA published in the **Federal Register** a proposed rule that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 73 FR 35114. The table provided here

represents the flooding source, location of referenced elevation, effective and modified elevation, and communities affected for Bristol County, Massachusetts (All Jurisdictions). Specifically, it addresses flooding source "Buzzards Bay."

##### 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](mailto:bill.blanton@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% 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 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.

##### Correction

In the proposed rule published at 73 FR 35114, in the June 20, 2008 issue of the **Federal Register**, FEMA published a table under the authority of 44 CFR 67.4. The table, entitled "Bristol County, Massachusetts and Incorporated Areas" addressed flooding sources "Buzzards Bay." That table contained inaccurate information as to the location of referenced elevation, effective and modified elevation in feet, or communities affected for these flooding sources. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.