

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

*B. Submission to Congress and the Comptroller General*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule

cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

*C. Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 29, 2008. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action approving the maintenance plan and the 2002 base-year inventory for the Warren County Area may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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

Environmental protection, Air pollution control, Incorporation by

reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 17, 2008.

**Donald S. Welsh,**  
*Regional Administrator, Region III.*

■ 40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for part 52 continues to read as follows:

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

**Subpart NN—Pennsylvania**

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry for the 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for Warren County at the end of the table to read as follows:

**§ 52.2020 Identification of plan.**

*	*	*	*	*
(e)	*	*	*	
(1)	*	*	*	

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory.	Warren County ..	12/17/07	06/30/08 [Insert page number where the document begins].	

\* \* \* \* \*  
[FR Doc. E8-14523 Filed 6-27-08; 8:45 am]  
BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY**  
**Federal Emergency Management Agency**  
**44 CFR Part 65**

[Docket No. FEMA-B-7789]

**Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.  
**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

**DATES:** These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Assistant Administrator of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

**ADDRESSES:** The modified 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 modified BFEs are not listed for each community in this interim rule.

However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These 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 the other Federal, State, or regional entities. The changed BFEs are in accordance with 44 CFR 65.4.

*National Environmental Policy Act.* This interim 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 interim 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 interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

*Executive Order 12988, Civil Justice Reform.* This interim rule meets the applicable standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 65**

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

**PART 65—[AMENDED]**

■ 1. The authority citation for part 65 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.

**§ 65.4 [Amended]**

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Madison ...	City of Huntsville (08–04–1222P).	May 9, 2008; May 16, 2008; <i>Madison County Record.</i>	The Honorable Loretta Spencer, Mayor, City of Huntsville, P.O. Box 308, Huntsville, AL 35804.	September 15, 2008 .....	010153
California: Placer .....	City of Lincoln (07–09–0934P).	May 21, 2008; May 28, 2008; <i>Roseville Press-Tribune.</i>	The Honorable Primo Santini, Mayor, City of Lincoln, 640 Fifth Street, Lincoln, CA 95648.	September 25, 2008 .....	060241
California: Placer .....	Unincorporated areas of Placer County (07–09–0934P).	May 21, 2008; May 28, 2008; <i>Roseville Press-Tribune.</i>	The Honorable Jim Holmes, Chairman, Placer County, Board of Supervisors, 175 Fulweiler Avenue, Auburn, CA 95603.	September 25, 2008 .....	060239
California: Shasta ....	Unincorporated areas of Shasta County (08–09–0622P).	May 21, 2008; May 28, 2008; <i>Valley Post.</i>	The Honorable Mark Cibula, Supervisor, District Two, Shasta County, 1450 Court Street, Suite 308B, Redding, CA 96001.	September 25, 2008 .....	060358
Florida: Polk .....	City of Winter Haven (07–04–5629P).	May 7, 2008; May 14, 2008; <i>Polk County Democrat.</i>	The Honorable Nathaniel Birdsong, Mayor, City of Winter Haven, P.O. Box 2277, Winter Haven, FL 33883.	September 11, 2008 .....	120271
Indiana: Lake .....	Town of St. John (08–05–1094P).	May 22, 2008; May 29, 2008; <i>Post Tribune.</i>	The Honorable Michael S. Fryzel, Mayor, Town of St. John, 10955 West 93rd Avenue, St. John, IN 46373.	May 16, 2008 .....	180141
Kansas: Sedgwick ...	City of Goddard (08–07–0155P).	May 29, 2008; June 6, 2008; <i>Wichita Eagle.</i>	The Honorable Marcey Gregory, Mayor, City of Goddard, P.O. Box 667, Goddard, KS 67052.	May 21, 2008 .....	200500
Nevada: Clark .....	City of Henderson (08–09–0980X).	May 22, 2008; May 29, 2008; <i>Las Vegas Review-Journal.</i>	The Honorable James B. Gibson, Mayor, City of Henderson, 240 South Water Street, Henderson, NV 89015.	September 17, 2008 .....	320005
Texas: Brazos .....	Unincorporated areas of Brazos County (07–06–2185P).	May 14, 2008; May 21, 2008; <i>Bryan College Station Eagle.</i>	The Honorable Amanda S. Matzke, Brazos County Judge, 300 East 26th Street, Suite 211, Bryan, TX 77803.	September 16, 2008 .....	481195
Texas: Brazos .....	City of Bryan (07–06–2185P).	May 14, 2008; May 21, 2008; <i>Bryan College Station Eagle.</i>	The Honorable D. Mark Conlee, Mayor, City of Bryan, 300 South Texas Avenue, Bryan, TX 77803.	September 16, 2008 .....	480082
Texas: Gillespie .....	Unincorporated areas of Gillespie County (08–06–0677P).	May 28, 2008; June 4, 2008; <i>Fredericksburg Standard-Radio Post.</i>	The Honorable Mark Stroehrer, Gillespie County Judge, 101 West Main Street, Fredericksburg, TX 78624.	October 3, 2008 .....	480696
Texas: Lubbock .....	City of Lubbock (08–06–0728P).	May 23, 2008; May 30, 2008; <i>Lubbock Avalanche Journal.</i>	The Honorable David A. Miller, Mayor, City of Lubbock, P.O. Box 2000, Lubbock, TX 79457.	May 16, 2008 .....	480452
Texas: Parker .....	Unincorporated areas of Parker County (08–06–0872P).	May 7, 2008; May 14, 2008; <i>Weatherford Democrat.</i>	The Honorable Mark Riley, Parker County Judge, One Courthouse Square, Weatherford, TX 76086.	April 29, 2008 .....	480520
Texas: Williamson ...	City of Cedar Park (08–06–1336P).	May 29, 2008; June 5, 2008; <i>Round Rock Leader.</i>	The Honorable Bob Lemon, Mayor, City of Cedar Park, 600 North Bell Boulevard, Cedar Park, TX 78613.	May 16, 2008 .....	481282
Wisconsin: Kenosha	Village of Pleasant Prairie (08–05–2135P).	May 30, 2008; June 6, 2008; <i>Kenosha News.</i>	The Honorable John Steinbrink, Village President, Village of Pleasant Prairie, 8640 88th Avenue, Pleasant Prairie, WI 53158.	May 16, 2008 .....	550613

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

Dated: June 20, 2008.

**David I. Maurstad,**

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

[FR Doc. E8-14709 Filed 6-27-08; 8:45 am]

**BILLING CODE 9110-12-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 08-1407; MB Docket No. 04-409; RM-11108, RM-11234]

**Radio Broadcasting Services; Chester, VA; Fruitland, MD; Lakeside, VA; Port Norris, NJ; Warsaw, VA and Willards, MD**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; denial.

**SUMMARY:** This document denies two petitions for reconsideration directed to the *Report and Order* in this proceeding, filed by MainQuad Communications, licensee of Station WARV(FM), Petersburg, Virginia, and Port Norris Radio. CXR Holdings, Inc., licensee of Station WDYL(FM), Chester, Virginia, prevailing counterproponent in the *Report and Order*, opposed the petitions for reconsideration.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**

Victoria M. McCauley, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order*, MB Docket No. 04-409, adopted June 11, 2008, and released June 13, 2008. This document denies two petitions for reconsideration of the *Report and Order* 71 FR 64153 (November 1, 2006). The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. The Commission

will not send a copy of this Memorandum Opinion and Order pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because the petition for reconsideration was denied.

### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. E8-14642 Filed 6-27-08; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric Administration**

### 50 CFR Part 679

[Docket No. 071106673-8011-02]

**RIN 0648-XI69**

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Processors in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area**

**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 trawl catcher processors participating in the Amendment 80 limited access fishery in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2008 Pacific cod allowable catch (TAC) specified for trawl catcher processors participating in the Amendment 80 limited access fishery in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), June 25, 2008, through 2400 hrs, A.l.t., December 31, 2008.

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

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 2008 Pacific cod TAC allocated to vessels participating in the Amendment 80 limited access fishery in the BSAI is 3,295 metric tons (mt) as established by the 2008 and 2009 final harvest specifications for groundfish in the BSAI (73 FR 10160, February 26, 2008).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2008 Pacific cod TAC allocated to trawl catcher processors participating in the Amendment 80 limited access fishery in the BSAI will be caught as incidental catch in directed fisheries for other groundfish. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt and is setting aside the remaining 3,295 mt as incidental catch 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 trawl catcher processors participating in the Amendment 80 limited access fishery in the BSAI.

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 by trawl catcher processors participating in the Amendment 80 limited access fishery in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 24, 2008.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.