

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing (REG-129709-03), which was the subject of FR Doc. 04-27295, is corrected as follows:

1. On page 75492, column 2, in the preamble under the caption **DATES**, the second sentence from the bottom of the paragraph, the language "10 a.m. must be received by March 14," is corrected to read "10 a.m. must be received by March 30,".

2. On page 75492, column 2, in the preamble under the caption **ADDRESSES**, the last sentence, the language "REG-129703-03)." is corrected to read "REG-129709-03)."

3. On page 75492, column 3, in the preamble under the caption Comments and Requests for a Public Hearing, paragraph 3, line 8, the language "March 14, 2005. A period of 10 minutes" is corrected to read "March 30, 2005. A period of 10 minutes".

PART 1—[AMENDED]

§ 1.409(p)-1 [Corrected]

4. On page 75493, column 1, the section title for § 1.409(p)-1, the language "Prohibited allocation of securities in an S Corporation." is corrected to read "Prohibited allocations of securities in an S Corporation.".

Guy R. Traynor,

Federal Register Liaison, Publication and Regulations Branch, Legal Processing Division, Associate Chief Counsel, Procedures and Administration.

[FR Doc. 05-2200 Filed 2-3-05; 8:45 am]

BILLING CODE 4830-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-7868-5]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of intent to delete the Southern Maryland Wood Treating Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region III is issuing a notice of intent to delete the Southern Maryland Wood Treating Superfund Site (Site) located in Hollywood, Maryland from the National Priorities

List (NPL) and requests public comments on this notice of intent. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), is found at Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA and the State of Maryland, through the Maryland Department of the Environment (MDE), have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under CERCLA.

In the "Rules and Regulations" section of today's **Federal Register**, EPA is publishing a direct final rule of deletion of the Southern Maryland Wood Treating Site without prior notice of intent to delete because EPA views this as a noncontroversial deletion and anticipates no adverse comment. EPA has explained its reasons for this deletion in the direct final rule of deletion. If EPA receives no adverse comment(s) on this notice of intent to delete or the direct final rule of deletion, EPA will not take further action. If EPA receives adverse comment(s), EPA will withdraw the direct final rule of deletion and it will not take effect. EPA will, as appropriate, address all public comments in a subsequent final deletion notice based on this notice of intent to delete. EPA will not institute a second comment period on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information, see the Direct Final Rule of Deletion which is located in the "Rules and Regulations" section of this **Federal Register**.

DATES: Comments concerning this Site must be received by March 7, 2005.

ADDRESSES: Written comments should be addressed to: Robert Sanchez, Remedial Project Manager, U.S. EPA Region III (3HS23), 1650 Arch Street, Philadelphia, PA 19103-2029, (215) 814-3451.

FOR FURTHER INFORMATION CONTACT:

Robert Sanchez, Remedial Project Manager, U.S. EPA Region III (3HS23), 1650 Arch Street, Philadelphia, PA 19103-2029, (215) 814-3451 or 1-800-553-2509.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Notice of Deletion which is located in the "Rules and Regulations" section of this **Federal Register**.

Information Repositories: Repositories have been established to provide detailed information concerning this decision at the following addresses: U.S.

EPA Region III, Regional Center for Environmental Information (RCEI), 1650 Arch Street (2nd Floor), Philadelphia, PA 19103-2029, (215) 814-5254, Monday through Friday, 8 a.m. to 5 p.m.; and in Maryland at the St. Mary's County Library, 23250 Hollywood Road, Leonardtown, MD 20650 (301) 475-2846, Monday through Friday, 8 a.m. to 4 p.m.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: January 26, 2005.

Richard J. Kampf,

Acting Regional Administrator, Region III.

[FR Doc. 05-2059 Filed 2-3-05; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-P-7669]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the 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 comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed 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:

Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency 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 Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

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.

National Environmental Policy Act.

This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This proposed 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 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

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

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Source of flooding and location of referenced elevation	♦Elevation in feet (NGVD) *Elevation in feet (NGVD)		Communities affected
	Existing	Modified	
<i>Cobb Creek:</i>			
At the confluence with Florida Creek	None	♦ 1,099	Lac Qui Parle (Unincorporated Areas).
Approximately 7,850 feet upstream of County Road 50	None	♦ 1,237	
<i>County Ditch No. 5:</i>			
At the confluence with West Branch Lac Qui Parle River	None	♦ 1,096	Lac Qui Parle (Unincorporated Areas).
At the western county boundary	None	♦ 1,140	
<i>Florida Creek:</i>			
At the confluence with West Branch Lac Qui Parle River	None	♦ 1,094	Lac Qui Parle (Unincorporated Areas).
Approximately 2,300 feet upstream of the southern county boundary	None	♦ 1,181	
<i>Florida Creek Tributary:</i>			
At the confluence with Florida Creek	None	♦ 1,137	Lac Qui Parle (Unincorporated Areas).
At the southern county boundary	None	♦ 1,208	
<i>Judicial Ditch No. 4:</i>			
At the confluence with West Branch Lac Qui Parle River	♦ 1,044	♦ 1,045	City of Dawson, Lac Qui Parle (Unincorporated Areas).
Just upstream of Ninth Street	♦ 1,044	♦ 1,045	
<i>Lac Qui Parle River:</i>			
Approximately 350 feet downstream of County Road 20	None	♦ 963	City of Dawson, Lac Qui Parle (Unincorporated Areas).
At the southern county boundary	None	♦ 1,093	
<i>Lazarus Creek:</i>			
Approximately 9,660 feet downstream of U.S. Interstate 75	None	♦ 1,105	Lac Qui Parle (Unincorporated Areas).
Approximately 12,100 feet upstream of County Road 52 (2nd crossing)	None	♦ 1,135	
<i>Lost Creek:</i>			
At the confluence with West Branch Lac Qui Parle River	None	♦ 1,111	Lac Qui Parle (Unincorporated Areas).
At the western county boundary	None	♦ 1,193	
<i>Minnesota River:</i>			
Approximately 7.4 miles downstream of County Road 18	None	♦ 934	Lac Qui Parle (Unincorporated Areas).
Approximately 6.9 miles upstream of County Road 15	None	♦ 962	
<i>Minnesota River Tailwaters:</i>			

Source of flooding and location of referenced elevation	♦Elevation in feet (NGVD) *Elevation in feet (NGVD)		Communities affected
	Existing	Modified	
At the confluence with Minnesota River	None	♦ 949	Lac Qui Parle (Unincorporated Areas).
Approximately 430 feet upstream of U.S. Interstate 75	None	♦ 950	
<i>North Fork Yellow Bank River:</i>			
At the confluence with Main Fork Yellow Bank River	None	♦ 1,002	Lac Qui Parle (Unincorporated Areas).
At the western county boundary	None	♦ 1,036	
<i>Tenmile Creek:</i>			
Approximately 1,800 feet downstream of County Road 2	None	♦ 1,046	City of Boyd, Lac Qui Parle (Unincorporated Areas).
<i>Tenmile Creek:</i>			
Approximately 9,100 feet upstream of County Road 29	None	♦ 1,056	City of Boyd, Lac Qui Parle (Unincorporated Areas).
<i>Tributary to South Fork Yellow Bank River:</i>			
At the confluence with South Fork Yellow Bank River	None	♦ 1,089	City of Nassau, Lac Qui Parle (Unincorporated Areas).
At the western county boundary	None	♦ 1,113	
<i>West Branch Lac Qui Parle River:</i>			
At the confluence with Lac Qui Parle River	♦ 1,043	♦ 1,041	City of Dawson, Lac Qui Parle (Unincorporated Areas).
Just upstream of County Road 7	None	♦ 1,192	
<i>Yellow Bank River (Main and South Forks):</i>			
Approximately 100 feet downstream of County Road 40	None	♦ 971	Lac Qui Parle (Unincorporated Areas).
Approximately 14,450 feet upstream of County Road 7	None	♦ 1,123	

City of Boyd:

Maps are available for inspection at City Hall, 117 Third Street, Boyd, Minnesota.

Send comments to The Honorable Vern Lein, Mayor, City of Boyd, City Hall, 117 Third Street, Boyd, Minnesota 56218.

City of Dawson:

Maps are available for inspection at City Hall, 675 Chestnut Street, Dawson, Minnesota.

Send comments to The Honorable Glenn Dunham, Mayor, City of Dawson, City Hall, 675 Chestnut Street, Dawson, Minnesota 56232.

City of Nassau:

Maps are available for inspection at City Hall, 229 Fifth Street, Nassau, Minnesota.

Send comments to The Honorable Linda Wildung, Mayor, City of Nassau, City Hall, 229 Fifth Street, Nassau, Minnesota 56257.

Lac Qui Parle County (Unincorporated Areas):

Maps are available for inspection at Lac Qui Parle County Courthouse, 600 West Sixth Street, Madison, Minnesota.

Send comments to The Honorable Vonderharr, Chairperson, County Commissioners, County Courthouse, 600 West Sixth Street, Madison, Minnesota 56256.

<i>Artichoke Creek:</i>			
Approximately 2,500 feet downstream of 225th Avenue Northwest.	None	*1,072	Swift County (Unincorporated Areas).
Just upstream of 260th Avenue Northwest	None	*1,085	
<i>Chippewa River:</i>			
Just downstream of County Road 75	None	*1,028	City of Benson, Swift County (Unincorporated Areas).
At the confluence of East Branch, Chippewa River	None	*1,036	
<i>Cottonwood Creek:</i>			
Approximately 8,170 feet downstream of County Road 2	None	*991	City of Holloway, Swift County (Unincorporated Areas).
Approximately 4,600 feet upstream of County Road 9	None	*1,020	
<i>County Ditch No. 2:</i>			
At County Route 54	None	*1,006	Swift County (Unincorporated Areas).
<i>County Ditch No. 2:</i>			
Approximately 1,250 feet upstream of County Route 54	None	*1,006	Swift County (Unincorporated Areas).
<i>East Branch Chippewa River:</i>			
At the confluence with the Chippewa River	None	*1,036	City of Benson Swift County (Unincorporated Areas).
Just downstream of State Road 29	None	*1,036	
<i>Judicial Ditch No. 19:</i>			
Approximately 18,250 feet upstream of the confluence with East Branch Chippewa River.	None	*1,040	Swift County (Unincorporated Areas).
Approximately 39,350 feet upstream of the confluence with East Branch Chippewa River.	None	*1,049	
<i>Lake Malachy Outlet:</i>			
Approximately 320 feet above confluence with Lake Malachy	None	*1,035	City of Clontarf Swift County (Unincorporated Areas).
Approximately 100 feet upstream of Grace Avenue	None	*1,043	
<i>Minnesota River:</i>			
At Marsh Lake Dam	*946	*948	Swift County (Unincorporated Areas).

Source of flooding and location of referenced elevation	◆Elevation in feet (NGVD) *Elevation in feet (NGVD)		Communities affected
	Existing	Modified	
<i>Approximately 4,750 feet upstream of March Lake Dam</i>	*946	*948	City of Appleton Swift County (Unincorporated Areas).
<i>Pomme De Terre River: Approximately 11,700 feet downstream of the Union Pacific Railroad.</i>	*972	*975	
<i>Pomme De Terre River: Approximately 15,800 feet upstream of North Herrington Road ..</i>	None	*1,008	City of Appleton Swift County (Unincorporated Areas).

City of Appleton:

Maps are available for inspection at the City Office, 323 West Schlieman Avenue, Appleton, Minnesota.

Send comments to The Honorable William Fliflet, Mayor, City of Appleton, 323 West Schlieman Avenue, Appleton, Minnesota 56208.

City of Benson:

Maps are available for inspection at City Hall, 1410 Kansas Avenue, Benson, Minnesota.

Send comments to The Honorable Paul Kittleson, Mayor, City of Benson, 1410 Kansas Avenue, Benson, Minnesota 56215.

City of Clontarf:

Maps are available for inspection at City Hall, 221 Clonmel Street, Clontarf, Minnesota.

Send comments to The Honorable Tom Staton, Mayor, City of Clontarf, 221 Clonmel Street, Clontarf, Minnesota 56226.

City of Holloway:

Maps are available for inspection at City Hall, 220 DePue Street, Holloway, Minnesota.

Send comments to The Honorable Merlin Schultz, Mayor, City of Holloway, 220 DePue Street, Holloway, Minnesota 56249.

Swift County (Unincorporated Areas):

Maps are available for inspection at 301 14th Street North, Benson, Minnesota.

Send comments to The Honorable Gary Hendrickx, Chairman, Swift County Board of Commissioners, 222 North Miles Street, Appleton, Minnesota 56208.

<i>Florida Creek:</i>			
At the northern county boundary	None	◆1,175	Yellow Medicine (Unincorporated Areas).
Approximately 50 feet upstream of County Road 14	None	◆1,238	
<i>Florida Creek Tributary:</i>			
Approximately 25 feet downstream of the northern county boundary.	None	◆1,209	Yellow Medicine (Unincorporated Areas).
Approximately 6,100 feet upstream of County Road 14	None	◆1,244	
<i>Lac Qui Parle River:</i>			
At the northern county boundary	None	◆1,093	Yellow Medicine (Unincorporated Areas).
Approximately 6,750 feet upstream of State Highway 68	None	◆1,241	
<i>Lazarus Creek:</i>			
At confluence with Lac Qui Parle River	None	◆1,095	Yellow Medicine (Unincorporated Areas).
Approximately 6,270 feet upstream of County Road E2	None	◆1,258	
<i>Minnesota River:</i>			
Approximately 31,200 feet downstream of State Highway 67	◆873	◆877	Yellow Medicine (Unincorporated Areas)
Approximately 1,580 feet upstream of U.S. Highway 59/212	◆932	◆934	Granite Falls.
<i>Minnesota River Overflow Channel:</i>			
At the confluence with the Minnesota River	◆894	◆896	Upper Sioux Community.
			Yellow Medicine (Unincorporated Areas)
			Granite Falls.
<i>Minnesota River Overflow Channel:</i>			
Approximately 890 feet upstream the confluence with the Minnesota River.	◆898	◆899	Yellow Medicine (Unincorporated Areas)
			Granite Falls.
<i>Tenmile Creek:</i>			
Approximately 113,370 feet upstream of the confluence with Lac Qui Parle River.	None	◆1,056	Yellow Medicine (Unincorporated Areas).
Approximately 117,250 feet upstream of the confluence with Lac Qui Parle River.	None	◆1,056	
<i>Yellow Medicine River:</i>			
Approximately 36,700 feet downstream of County Road 8	None	◆1,058	Yellow Medicine (Unincorporated Areas).
Approximately 3,400 feet upstream of the southern county boundary.	None	◆1,100	

City of Granite Falls:

Maps are available for inspection at City Hall, 885 Prentice Street, Granite Falls, Minnesota.

Send comments to The Honorable David Smiglewski, Mayor, City of Granite Falls, 885 Prentice Street, Granite Falls, Minnesota 56241.

Upper Sioux Community:

Maps are available for inspection at Office of the Tribal Council Secretary/FDPO Administrator, Upper Sioux Community Board of Trustees, Granite Falls, Minnesota.

Send comments to Helen M. Blue-Redner, Tribal Chairman, Upper Sioux Community Board of Trustees, P.O. Box 147, Granite Falls, Minnesota 56241.

Yellow Medicine County:

Source of flooding and location of referenced elevation	◆Elevation in feet (NGVD) *Elevation in feet (NGVD)		Communities affected
	Existing	Modified	

Maps are available for inspection at the Planning and Zoning Office, 1000 10th Avenue, Clarkfield, Minnesota.

Send comments to The Honorable John Chattin, County Administrator, County Administrator's Office, 415 9th Avenue, Granite Falls, Minnesota 56241.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: January 28, 2005.

David I. Maurstad,

*Acting Director, Mitigation Division,
Emergency Preparedness and Response
Directorate.*

[FR Doc. 05-2118 Filed 2-3-05; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-P-7667]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the 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 comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed 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:

Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency 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 Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

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.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental

Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This proposed 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 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

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: