

• Hand Delivery: EPA Docket Center, EPA West Room 3334, 1301 Constitution Ave., NW., Washington, DC, 20004 or Becky Lindgren, Washington Marine Aquatic Life NTR Removal, U.S. EPA, Region 10, OWW-131, 1200 Sixth Avenue, Seattle, WA 98101, Attention Docket ID No. EPA-HQ-OW-2007-0467. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

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**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at two Docket Facilities. The OW Docket

Center is open from 8:30 a.m. until 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566-2426 and the Docket address is OW Docket, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744. Publicly available docket materials are also available in hard copy at the U.S. EPA Region 10 address. Docket materials can be accessed from 9 a.m. until 3 p.m., Monday through Friday, excluding legal holidays. The telephone number is (206) 553-0775.

**FOR FURTHER INFORMATION CONTACT:**

Becky Lindgren, U.S. EPA, Region 10, 1200 Sixth Avenue, Seattle, WA 98101 (telephone: 206-553-1774 or e-mail: [lindgren.becky@epa.gov](mailto:lindgren.becky@epa.gov)) or Claudia Fabiano, U.S. EPA Headquarters, Office of Science and Technology, 1200 Pennsylvania Avenue, NW., Mail Code 4305T, Washington, DC 20460 (telephone: 202-566-0446 or e-mail: [fabiano.claudia@epa.gov](mailto:fabiano.claudia@epa.gov)).

**SUPPLEMENTARY INFORMATION:** This action concern's EPA's withdrawal of Federal marine copper and cyanide chronic aquatic life water quality criteria applicable to Washington State from 40 CFR 131.36 (the National Toxics Rule) (57 FR 60848). For further information, including the rationale, regulatory text, and various statutes and executive orders that require findings for rulemakings, please see the information provided in the direct final rule titled, "Withdrawal of Federal Marine Aquatic Life Water Quality Criteria for Toxic Pollutants Applicable to Washington" located in the "Rules and Regulations" section of this **Federal Register** Publication.

**List of Subjects in 40 CFR Part 131**

Environmental protection, Indians-lands, Intergovernmental relations, Reporting and Recordkeeping requirements, Water pollution control.

Dated: July 2, 2007.

**Stephen L. Johnson,**  
Administrator.

[FR Doc. E7-13206 Filed 7-6-07; 8:45 am]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket No. FEMA-B-7723]

**Proposed Flood Elevation Determinations**

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

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities listed below. The 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:** William R. Blanton, Jr., Engineering Management Section, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**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.

*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.

*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 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).<br>+ Elevation in feet (NAVD).<br># Depth in feet above ground. |          | Communities affected                                       |
|-------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------|------------------------------------------------------------|
|                                                       |                                                                     | Effective                                                                                   | Modified |                                                            |
| Kanawha County, West Virginia, and Incorporated Areas |                                                                     |                                                                                             |          |                                                            |
| Alum Creek .....                                      | Begins at approximately 298 feet downstream of CSX Railroad.        | None                                                                                        | +519     | Kanawha County (Unincorporated Areas).                     |
|                                                       | Ends approximately at 3649 feet upstream of Rebel Mountain Road.    | None                                                                                        | +709     |                                                            |
| Brier Creek .....                                     | Begins at approximately 1180 feet downstream of Sproul Road.        | None                                                                                        | +608     | Kanawha County (Unincorporated Areas).                     |
|                                                       | Ends approximately at 2390 feet upstream of Brown Land Road.        | None                                                                                        | +702     |                                                            |
| Dutch Hollow .....                                    | Begins at approximately 3125 feet downstream of I–64 Bridge.        | None                                                                                        | +590     | City of Dunbar, Kanawha County (Unincorporated Areas).     |
|                                                       | Ends approximately at 4850 feet upstream of I–64 Bridge.            | None                                                                                        | +666     |                                                            |
| Finney Branch .....                                   | Begins at approximately 1050 feet downstream of Charles Avenue.     | None                                                                                        | +590     | City of Dunbar, Kanawha County (Unincorporated Areas).     |
|                                                       | Ends approximately at 360 feet upstream of Gravel Drive.            | None                                                                                        | +601     |                                                            |
| Georges Creek .....                                   | Begins at approximately 2575 feet downstream of Malden Road.        | None                                                                                        | +597     | Kanawha County (Unincorporated Areas).                     |
|                                                       | Ends approximately at 3490 feet upstream of Georges Creek Drive.    | None                                                                                        | +721     |                                                            |
| Indian Creek .....                                    | Begins at approximately 3775 feet downstream of State Route 114.    | None                                                                                        | +611     | Kanawha County (Unincorporated Areas).                     |
|                                                       | Ends approximately at 1000 feet upstream of Boner Drive.            | None                                                                                        | +693     |                                                            |
| Magazine Branch .....                                 | Starts at approximately 920 feet downstream of Pennsylvania Avenue. | None                                                                                        | +594     | City of Charleston, Kanawha County (Unincorporated Areas). |
|                                                       | Ends approximately at 100 feet upstream of Pacific Street.          | None                                                                                        | +688     |                                                            |
| Middle Fork .....                                     | Begins at approximately 480 feet downstream of Middle Fork Road.    | None                                                                                        | +606     | Kanawha County (Unincorporated Areas).                     |
|                                                       | Ends approximately at 135 feet upstream of Middle Fork Road.        | None                                                                                        | +630     |                                                            |
| Mill Creek .....                                      | Begins at approximately 90 feet downstream of Rail Road Bridge.     | None                                                                                        | +605     | Kanawha County (Unincorporated Areas).                     |
|                                                       | Ends approximately at 4550 feet upstream of Mill Creek Road.        | None                                                                                        | +775     |                                                            |
| Two and Three Quarter Mile Creek.                     | Begins at approximately 220 feet downstream of U.S. Route 60.       | None                                                                                        | +589     | Kanawha County (Unincorporated Areas).                     |
|                                                       | Ends approximately at 1880 feet upstream of Cane Fork Road.         | None                                                                                        | +618     |                                                            |

\* National Geodetic Vertical Datum.

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

+ North American Vertical Datum.

# Depth in feet above ground.

#### ADDRESSES

##### City of Charleston

Maps are available for inspection at 501 East Virginia Street, Charleston, WV 25301. Send comments to The Honorable Danny Jones, Mayor, City of Charleston, 501 East Virginia Street, Charleston, WV 25301.

##### City of Dunbar

Maps are available for inspection at 210 12th Street, Dunbar, WV 25064. Send comments to The Honorable C. B. Rigney, Mayor, City of Dunbar, P.O. Box 483, Dunbar, WV 25064.

##### Kanawha County (Unincorporated Areas)

Maps are available for inspection at 501 East Virginia Street, Charleston, WV 25301. Send comments to Mr. W. Kent Carper, Commissioner, Unincorporated Areas of Kanawha County, 501 East Virginia Street, Charleston, WV 25301.

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

Dated: June 26, 2007.

##### David I. Maurstad,

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

[FR Doc. E7-13182 Filed 7-6-07; 8:45 am]

BILLING CODE 9110-12-P

#### DEPARTMENT OF HOMELAND SECURITY

##### Federal Emergency Management Agency

##### 44 CFR Part 67

[Docket No. FEMA-D-7806]

##### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities listed below. The 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).

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excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

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*Executive Order 13132, Federalism.* This proposed rule involves no policies that have federalism implications under Executive Order 13132.

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1. The authority citation for part 67 continues to read as follows:

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