

the Office's estimate (as previously noted) that close to one third of all patent applications containing alternative language are submitted by small entities, this alternative would greatly diminish the rule making's ability to improve the patent prosecution process and result in higher quality patents.

6. *Identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rules:* The Office is the sole U.S. government agency responsible for administering the provisions of title 35, United States Code, pertaining to examination and granting patents. Therefore, no other federal, state, or local entity shares jurisdiction over the examination and granting patents.

Other countries, however, have their own patent laws, and an entity desiring a patent in a particular country must make an application for patent in that country, in accordance with the applicable law. Although the potential for overlap exists internationally, this cannot be avoided except by treaty (such as the Paris Convention for the Protection of Industrial Property, or the Patent Cooperation Treaty (PCT)).

Nevertheless, the Office believes that there are no other duplicative or overlapping rules.

7. *Request for data and information in support of the Final Regulatory Flexibility Analysis:* The Office welcomes comments addressing the economic impact on small entities of any or all provisions of the proposed rule. In particular, however, the Office is soliciting information on the following:

1. Alternative approaches that would reduce the burden of the rule for small entities while meeting the Office's objectives.

2. The costs of modifying an application that already is under review as needed to comply with the rule:

a. The cost of filing one or more divisional applications.

b. The cost of correcting a claim that is in an improper format, and factors that might cause this cost to vary.

3. The number of patent applications submitted by unique small entities per year (or per decade).

4. Factors that influence an applicant's decision to file divisional applications.

5. Issues that might affect the combined impact of alternative language that requires intra-claim restriction and is of an improper format.

6. The extent to which applicants will adjust to the new rules over time, such that future initial patent applications

containing alternative language will comply with the proposed rule (*i.e.*, the applications will not need to incur the cost of amendments or divisional applications due to alternative language that is of an improper format or requires intra-claim restriction).

7. The benefits of the rule making.

8. Other information related to this Initial Regulatory Flexibility Analysis, including any assumptions or findings stated above.

Dated: March 5, 2008.

John Doll,

Commissioner for Patents.

[FR Doc. E8-4744 Filed 3-7-08; 8:45 am]

BILLING CODE 3510-16-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-B-7765]

#### 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-7765, 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 (email) [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 (e-mail) [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)<br>+ Elevation in feet (NAVD)<br># Depth in feet above ground<br>^ Elevation in meters (MSL) |          | Communities affected                                           |
|------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------------|
|                                                      |                                                                  | Effective                                                                                                               | Modified |                                                                |
| Tangipahoa Parish, Louisiana, and Incorporated Areas |                                                                  |                                                                                                                         |          |                                                                |
| Natalbany River .....                                | Approximately 2.5 miles upstream of State Route 40 intersection. | +100                                                                                                                    | +97      | Town of Amite City, Unincorporated Areas of Tangipahoa Parish. |
|                                                      | Approximately 185 feet upstream of State Route 1048              | +181                                                                                                                    | +183     |                                                                |

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ 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 Amite City

Maps are available for inspection at 212 E. Oak St., Amite, LA 70422

##### Unincorporated Areas of Tangipahoa Parish

Maps are available for inspection at 15481 Club Deluxe Rd., Hammond, LA 70403

|                                                        |                                                        |      |      |                         |
|--------------------------------------------------------|--------------------------------------------------------|------|------|-------------------------|
| <b>Orange County, New York, and Incorporated Areas</b> |                                                        |      |      |                         |
| Summit Brook .....                                     | Approximately 50 feet downstream of East Lake Road     | None | +562 | Village of Tuxedo Park. |
|                                                        | Approximately 1,318 feet downstream of East Lake Road. | None | +562 |                         |

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+ North American Vertical Datum.

# Depth in feet above ground.

^ 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

##### Village of Tuxedo Park

Maps are available for inspection at Tuxedo Park Village Hall, 80 Lorillard Road, Tuxedo Park, NY.

|                                                               |                                                                             |       |       |                                                              |
|---------------------------------------------------------------|-----------------------------------------------------------------------------|-------|-------|--------------------------------------------------------------|
| <b>Haywood County, North Carolina, and Incorporated Areas</b> |                                                                             |       |       |                                                              |
| Allen Creek .....                                             | At the confluence with Richland Creek .....                                 | +2740 | +2741 | Unincorporated Areas of Haywood County, Town of Waynesville. |
|                                                               | Approximately 0.6 mile upstream of New Allens Creek Road (State Road 1147). | None  | +3093 |                                                              |
| Beaverdam Creek .....                                         | At the confluence with Pigeon River .....                                   | +2578 | +2587 | Unincorporated Areas of Haywood County, Town of Canton.      |

| Flooding source(s)                | Location of referenced elevation**                                             | *Elevation in feet (NGVD)<br>+ Elevation in feet (NAVD)<br># Depth in feet above<br>ground<br>^ Elevation in meters<br>(MSL) |          | Communities affected                                           |
|-----------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------------|
|                                   |                                                                                | Effective                                                                                                                    | Modified |                                                                |
| Big Creek .....                   | Just downstream of Smathers Cove Road (State Road 1614).                       | None                                                                                                                         | +2712    | Unincorporated Areas of Haywood County.                        |
|                                   | At the confluence with Pigeon river .....                                      | None                                                                                                                         | +1409    |                                                                |
| Browning Branch .....             | Approximately 120 feet upstream of Mount Sterling Road (State Road 1397).      | None                                                                                                                         | +1547    | Unincorporated Areas of Haywood County, Town of Waynesville.   |
|                                   | At the confluence with Richland Creek .....                                    | +2707                                                                                                                        | +2708    |                                                                |
| Campbell Creek .....              | Approximately 650 feet upstream of Browning Branch Road (State Road 1142).     | None                                                                                                                         | +3054    | Unincorporated Areas of Haywood County, Town of Maggie Valley. |
|                                   | At the confluence with Jonathan Creek .....                                    | +3006                                                                                                                        | +3005    |                                                                |
| Cataloochee Creek .....           | Approximately 1,000 feet upstream of Campbell Creek Road (State Road 1214).    | None                                                                                                                         | +3362    | Unincorporated Areas of Haywood County.                        |
|                                   | At the confluence with Pigeon River .....                                      | None                                                                                                                         | +2272    |                                                                |
| Cove Creek (into Fines Creek).    | Approximately 3.5 miles upstream of the confluence with Pigeon River.          | None                                                                                                                         | +2458    | Unincorporated Areas of Haywood County.                        |
|                                   | At the confluence with Fines Creek .....                                       | None                                                                                                                         | +2473    |                                                                |
| Cove Creek (into Jonathan Creek). | Approximately 0.9 mile upstream of the confluence with Fines Creek.            | None                                                                                                                         | +2576    | Unincorporated Areas of Haywood County.                        |
|                                   | At the confluence with Jonathan Creek .....                                    | +2476                                                                                                                        | +2475    |                                                                |
| Dix Creek .....                   | Approximately 100 feet upstream of Sutton Town Road (State Road 1331).         | None                                                                                                                         | +2654    | Unincorporated Areas of Haywood County.                        |
|                                   | At the confluence with East Fork Pigeon River .....                            | +2701                                                                                                                        | +2700    |                                                                |
| East Fork Pigeon River .....      | Approximately 440 feet upstream of Dix Creek Road (State Road 1106).           | None                                                                                                                         | +3281    | Unincorporated Areas of Haywood County.                        |
|                                   | At the confluence with Pigeon River .....                                      | +2653                                                                                                                        | +2650    |                                                                |
| Farmers Branch .....              | Approximately 1.4 miles upstream of Camp Hope Road (State Road 1892).          | None                                                                                                                         | +3282    | Town of Waynesville.                                           |
|                                   | At the confluence with Richland Creek .....                                    | +2672                                                                                                                        | +2671    |                                                                |
| Fines Creek .....                 | Approximately 860 feet upstream of Hazelwood Avenue.                           | None                                                                                                                         | +2729    | Unincorporated Areas of Haywood County.                        |
|                                   | At the confluence with Pigeon River .....                                      | None                                                                                                                         | +2275    |                                                                |
| Hemphill Creek .....              | Approximately 1,300 feet upstream of Wayward Cove                              | None                                                                                                                         | +2597    | Unincorporated Areas of Haywood County.                        |
|                                   | Approximately 300 feet upstream of the confluence with Jonathan Creek.         | None                                                                                                                         | +2589    |                                                                |
| Hominy Creek .....                | Approximately 100 feet upstream of Hemphill Road (State Road 1313).            | None                                                                                                                         | +2793    | Unincorporated Areas of Haywood County, Town of Canton.        |
|                                   | At the Haywood/Buncombe County boundary .....                                  | +2247                                                                                                                        | +2250    |                                                                |
| Hyatt Creek .....                 | Approximately 80 feet upstream of U.S. Highway 19 ..                           | None                                                                                                                         | +2407    | Unincorporated Areas of Haywood County, Town of Waynesville.   |
|                                   | At the confluence with Richland Creek .....                                    | +2757                                                                                                                        | +2758    |                                                                |
| Jonathan Creek .....              | Approximately 160 feet upstream of Hyatt Creek Road (State Road 1168).         | None                                                                                                                         | +2857    | Unincorporated Areas of Haywood County, Town of Maggie Valley. |
|                                   | At the confluence with Pigeon River .....                                      | None                                                                                                                         | +2373    |                                                                |
| Lake Junaluska .....              | Approximately 500 feet downstream of Black Camp Gap Road (State Road 1300).    | None                                                                                                                         | +3512    | Unincorporated Areas of Haywood County.                        |
|                                   | Entire Shoreline .....                                                         | +2567                                                                                                                        | +2566    |                                                                |
| Little East Fork Pigeon River     | Approximately 100 feet upstream of the confluence with West Fork Pigeon River. | None                                                                                                                         | +2835    | Unincorporated Areas of Haywood County.                        |
|                                   | Approximately 290 feet upstream of Little East Fork Road (State Road 1129).    | None                                                                                                                         | +3062    |                                                                |

| Flooding source(s)                        | Location of referenced elevation **                                                   | *Elevation in feet (NGVD)<br>+ Elevation in feet (NAVD)<br># Depth in feet above<br>ground<br>^ Elevation in meters<br>(MSL) |          | Communities affected                                                   |
|-------------------------------------------|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------|
|                                           |                                                                                       | Effective                                                                                                                    | Modified |                                                                        |
| North Hominy Creek .....                  | At the confluence with Hominy Creek .....                                             | +2389                                                                                                                        | +2392    | Unincorporated Areas of Haywood County, Town of Canton.                |
| Pigeon River .....                        | Approximately 0.3 mile upstream of Peaceful Path .....                                | None                                                                                                                         | +2709    | Unincorporated Areas of Haywood County, Town of Canton, Town of Clyde. |
|                                           | At the confluence of Big Creek .....                                                  | None                                                                                                                         | +1409    |                                                                        |
| Pigeon River Tributary (Waterville Lake). | At the confluence of East Fork Pigeon River and West Fork Pigeon River.               | +2653                                                                                                                        | +2650    | Unincorporated Areas of Haywood County, Town of Canton.                |
|                                           | At the confluence with Pigeon River .....                                             | +2594                                                                                                                        | +2595    |                                                                        |
| Plott Creek .....                         | Approximately 950 feet upstream of Pruett Ridge .....                                 | None                                                                                                                         | +2676    | Unincorporated Areas of Haywood County, Town of Waynesville.           |
|                                           | Approximately 200 feet upstream of the confluence with Richland Creek.                | +2701                                                                                                                        | +2702    |                                                                        |
| Raccoon Creek .....                       | Approximately 650 feet upstream of Serenity Mountain Road.                            | None                                                                                                                         | +3223    | Town of Waynesville.                                                   |
|                                           | At the confluence with Richland Creek .....                                           | +2577                                                                                                                        | +2576    |                                                                        |
| Richland Creek .....                      | Approximately 1,040 feet upstream of Test Farm Road (State Road 1810).                | None                                                                                                                         | +2652    | Unincorporated Areas of Haywood County, Town of Waynesville.           |
|                                           | At the confluence with Pigeon River .....                                             | None                                                                                                                         | +2506    |                                                                        |
| Rush Fork .....                           | Approximately 440 feet upstream of U.S. Highway 23                                    | None                                                                                                                         | +3057    | Unincorporated Areas of Haywood County.                                |
|                                           | At the confluence with Pigeon River .....                                             | None                                                                                                                         | +2458    |                                                                        |
| Shallow Flooding Area .....               | Approximately 1,380 feet upstream of Palmer Pond Road.                                | None                                                                                                                         | +2588    | Town of Waynesville.                                                   |
|                                           | Northeast intersection of Railroad and Lea Plant Road.                                | None                                                                                                                         | #3       |                                                                        |
| Shelton Creek .....                       | Approximately 100 feet northeast of Elysina Avenue and Hazelwood Avenue intersection. | +2708                                                                                                                        | #3       | Town of Waynesville.                                                   |
|                                           | At the confluence with Richland Creek .....                                           | +2611                                                                                                                        | +2610    |                                                                        |
| Thickety Creek .....                      | Approximately 500 feet upstream of U.S. Highway 276.                                  | None                                                                                                                         | +2660    | Unincorporated Areas of Haywood County.                                |
|                                           | Approximately 900 feet upstream of the confluence with Pigeon River.                  | +2555                                                                                                                        | +2556    |                                                                        |
| West Fork Pigeon River .....              | Approximately 70 feet upstream of Incinerator Road (State Road 1550).                 | None                                                                                                                         | +2573    | Unincorporated Areas of Haywood County.                                |
|                                           | At the confluence with Pigeon River and East Fork Pigeon River.                       | +2653                                                                                                                        | +2650    |                                                                        |
|                                           | Approximately 2.3 miles upstream of Steel Bridge Road (State Road 1216).              | None                                                                                                                         | +3170    |                                                                        |

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ 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 Canton

Maps are available for inspection at Canton Town Hall, 58 Park Street, Canton, NC.

##### Town of Clyde

Maps are available for inspection at Clyde Town Hall, 8437 Carolina Boulevard, Clyde, NC.

##### Town of Maggie Valley

Maps are available for inspection at Maggie Valley Town Hall, 3987 Soco Road, Maggie Valley, NC.

##### Town of Waynesville

Maps are available for inspection at Waynesville Town Hall, 16 South Main Street, Waynesville, NC.

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

**Unincorporated Areas of Haywood County**

Maps are available for inspection at Haywood County Planning Office, 1233 North Main Street, Waynesville, NC.

**Commonwealth of Puerto Rico County, Puerto Rico, and Incorporated Areas**

|                                                                             |                                                                                                                            |       |        |                                                           |
|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-------|--------|-----------------------------------------------------------|
| Atlantic Ocean—Entire<br>Shoreline of the Common-<br>wealth of Puerto Rico. | Approximately 0.8 kilometers northwest of intersection<br>of Carretera 466 and Carretera Municipal.                        | None  | ^2.7   | Commonwealth of Puerto<br>Rico, Municipality of<br>Ponce. |
|                                                                             | Approximately 0.9 kilometer northwest of intersection<br>of Carretera 681 and Calle B.                                     | ^2.4  | ^13.7  |                                                           |
| Caribbean Sea .....                                                         | Approximately 550 meters southwest of the intersec-<br>tion of Calle Dr Vidal and Calle 33.                                | None  | ^1.5   | Commonwealth of Puerto<br>Rico, Municipality of<br>Ponce. |
|                                                                             | Shoreline, approximately 2.7 kilometers southwest of<br>the intersection of Carretera 307 and Calle A.                     | ^2.7  | ^4.6   |                                                           |
| Isla Culebra/Atlantic Ocean ..                                              | Approximately 1.6 kilometers northwest of the inter-<br>section of Calle 1 and Carretera 251.                              | ^2.1  | ^1.5   | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Shoreline, approximately 3.0 kilometers northeast of<br>the intersection of Calle 1 and Carretera 251<br>(Punta Flamenco). | ^4.3  | ^14.3  |                                                           |
| Isla Culebra/Ensenada<br>Honda.                                             | Approximately 90 meters southeast of the intersection<br>of Calle Luis Munoz Marin and Carretera 250.                      | ^3.8  | ^3     | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Shoreline, approximately 4.0 kilometers southeast of<br>the intersection of Calle Luis Munoz Marin and<br>Carretera 250.   | ^3.6  | ^8.8   |                                                           |
| Isla Vieques/Caribbean Sea                                                  | Approximately 3.0 kilometers southwest of the inter-<br>section of Carretera 200 and Camino Puerto Diablo.                 | ^2.1  | ^2.4   | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Shoreline, approximately 6.9 kilometers southwest of<br>the intersection of Carretera 201 and Carretera 996.               | ^3.2  | ^3.8   |                                                           |
| Isla Vieques/Vieques Pas-<br>sage.                                          | Approximately 9.2 kilometers northwest of the inter-<br>section of Carretera 201 and Carretera 996.                        | ^2    | ^2.4   | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Shoreline, approximately 3.7 kilometers northwest of<br>the intersection of Carretera 201 and Carretera 996.               | ^2.8  | ^6.2   |                                                           |
| Isla Vieques/Vieques Sound                                                  | Approximately 9.7 kilometers southeast of the inter-<br>section of Carretera 200 and Camino Puerto Diablo.                 | ^2.1  | ^2.7   | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Shoreline, approximately 9.8 kilometers southeast of<br>the intersection of Carretera 200 and Camino Puer-<br>to Diablo.   | ^3.2  | ^4.1   |                                                           |
| Quebrada Cambute .....                                                      | At confluence with Rio Canovanillas .....                                                                                  | None  | ^4.9   | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Approximately 790 meters upstream of confluence<br>with Rio Canovanillas.                                                  | None  | ^12.1  |                                                           |
| Quebrada Honda .....                                                        | Approximately 2,800 meters upstream of the con-<br>fluence with Rio Cibuco.                                                | ^17.4 | ^17    | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Approximately 2,330 meters upstream of Puerto Rico<br>Route 2.                                                             | None  | ^74.2  |                                                           |
| Quebrada Mabu .....                                                         | At confluence with Rio Guanajibo .....                                                                                     | None  | ^89.5  | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Approximately 920 meters upstream of Sector Jeraldo<br>At confluence with Rio Humacao .....                                | None  | ^106.1 |                                                           |
| Quebrada Mariana .....                                                      | At confluence with Rio Humacao .....                                                                                       | ^12.8 | ^13.9  | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Approximately 460 meters upstream of Calle B .....                                                                         | None  | ^43.3  |                                                           |
| Quebrada Mariana Tributary                                                  | At confluence with Rio Humacao .....                                                                                       | ^19.6 | ^19    | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Approximately 3,400 meters upstream of Puerto Rico<br>Highway 30.                                                          | None  | ^75.2  |                                                           |
| Quebrada la Mina .....                                                      | At confluence with Quebrada Mariana .....                                                                                  | None  | ^20.5  | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Approximately 110 meters upstream of Camino<br>Manolo Lopez.                                                               | None  | ^32.2  |                                                           |
| Quebrada la Mina Tributary ..                                               | Approximately 220 meters downstream of Puerto Rico<br>Route 997.                                                           | None  | ^6.1   | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Approximately 930 meters upstream of Puerto Rico<br>Route 201.                                                             | None  | ^77.7  |                                                           |
| Quebrada la Mina Tributary ..                                               | Confluence with Quebrada la Mina .....                                                                                     | None  | ^45.6  | Commonwealth of Puerto<br>Rico.                           |
|                                                                             | Approximately 755 meters upstream of confluence<br>with Quebrada la Mina.                                                  | None  | ^82.3  |                                                           |

| Flooding source(s)                           | Location of referenced elevation**                                   | *Elevation in feet (NGVD)<br>+ Elevation in feet (NAVD)<br># Depth in feet above<br>ground<br>^ Elevation in meters<br>(MSL) |          | Communities affected                                |
|----------------------------------------------|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------------------------------|
|                                              |                                                                      | Effective                                                                                                                    | Modified |                                                     |
| Rio Bairoa .....                             | At confluence with Rio Grande de Loiza Reach 2 .....                 | ^51.3                                                                                                                        | ^50.9    | Commonwealth of Puerto Rico.                        |
| Rio Caguitas .....                           | Approximately 290 meters upstream of Calle Gardena                   | ^90.3                                                                                                                        | ^90.1    | Commonwealth of Puerto Rico.                        |
|                                              | At confluence of Rio Grande de Loiza Reach 2 .....                   | ^52.1                                                                                                                        | ^51      |                                                     |
| Rio Canas .....                              | Approximately 1,830 meters upstream of Calle Canaboncito.            | None                                                                                                                         | ^81.2    | Commonwealth of Puerto Rico, Municipality of Ponce. |
|                                              | Confluence with Rio Matilde .....                                    | 11.7                                                                                                                         | ^10.4    |                                                     |
| Rio Culebrinas (at San Sebastian).           | Approximately 520 meters upstream of Avenida Ponce De Leon.          | 38.3                                                                                                                         | ^40.3    | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 1,120 meters downstream of Calle Jose Torres Pino.     | None                                                                                                                         | ^57.3    |                                                     |
|                                              | Approximately 1,160 meters upstream of Carretera 119.                | None                                                                                                                         | ^69      |                                                     |
| Rio Culebrinas (at San Sebastian) Tributary. | At confluence with Rio Culebrinas (at San Sebastian)                 | None                                                                                                                         | ^60.8    | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 710 meters upstream of Calle Hostos Cabrera.           | None                                                                                                                         | ^64.1    |                                                     |
| Rio Culebrinas (downstream reach).           | Approximately 473 meters upstream of Puerto Rico Highway 2.          | ^9                                                                                                                           | ^8.7     | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 1,210 meters upstream of Calle Concepcion Vera Ayala.  | None                                                                                                                         | ^18.6    |                                                     |
| Rio Fajardo .....                            | Approximately 1,140 meters upstream of mouth .....                   | None                                                                                                                         | ^1       | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 2,050 meters upstream of Carretera 977.                | None                                                                                                                         | ^60.7    |                                                     |
| Rio Grande de Anasco .....                   | Approximately 300 meters upstream of mouth .....                     | ^3                                                                                                                           | ^2       | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 2,370 meters upstream of Carretera 406.                | None                                                                                                                         | ^20      |                                                     |
| Rio Grande de Humacao .....                  | Approximately 230 meters above mouth .....                           | ^2.9                                                                                                                         | ^2       | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 1,920 meters upstream of Carretera 914.                | None                                                                                                                         | ^46.5    |                                                     |
| Rio Grande de Loiza Reach 1.                 | Approximately 25 meters upstream of Puerto Rico Highway 3.           | ^12.8                                                                                                                        | ^13.1    | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 5,120 meters upstream of Puerto Rico Highway 181.      | None                                                                                                                         | ^28.1    |                                                     |
| Rio Grande de Loiza Reach 2.                 | Approximately 3,640 meters downstream of Puerto Rico Highway 30.     | None                                                                                                                         | ^49.5    | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 2,700 meters upstream of Carretera 183.                | None                                                                                                                         | ^96.4    |                                                     |
| Rio Grande de Manati .....                   | Approximately 130 meters upstream of mouth .....                     | ^1.5                                                                                                                         | ^3       | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 100 meters upstream of Puerto Rico Route 145.          | ^45.4                                                                                                                        | ^49      |                                                     |
| Rio Guanajibo .....                          | Approximately 50 meters downstream of Carretera 102.                 | ^2                                                                                                                           | ^2.4     | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 2,150 meters upstream of Carretera 368.                | None                                                                                                                         | ^113     |                                                     |
| Rio Guatemala .....                          | At confluence with Rio Culebrinas (at San Sebastian)                 | None                                                                                                                         | ^53.6    | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 1,650 meters upstream of Carretera 111.                | None                                                                                                                         | ^71.4    |                                                     |
| Rio Guayanes .....                           | Approximately 450 meters upstream of mouth .....                     | None                                                                                                                         | ^3.3     | Commonwealth of Puerto Rico.                        |
|                                              | Approximately 4,330 meters upstream of Carretera 182.                | None                                                                                                                         | ^34.3    |                                                     |
| Rio Guayo .....                              | Approximately 300 meters upstream of the confluence with Rio Inabon. | ^45.3                                                                                                                        | ^45.8    | Commonwealth of Puerto Rico, Municipality of Ponce. |
|                                              | Approximately 44 meters upstream of Puerto Rico Route 512.           | ^156.8                                                                                                                       | ^156.1   |                                                     |
| Rio Gurabo .....                             | At confluence with Rio Grande de Loiza Reach 2 .....                 | ^49.6                                                                                                                        | ^46.8    | Commonwealth of Puerto Rico.                        |

| Flooding source(s)               | Location of referenced elevation **                                                                                                                                                                                                                                         | *Elevation in feet (NGVD)<br>+ Elevation in feet (NAVD)<br># Depth in feet above<br>ground<br>^ Elevation in meters<br>(MSL) |                         | Communities affected                                |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------------------|
|                                  |                                                                                                                                                                                                                                                                             | Effective                                                                                                                    | Modified                |                                                     |
| Rio Inabon .....                 | Approximately 1,800 meters upstream of Carretera 31<br>Approximately 96 meters upstream of mouth .....                                                                                                                                                                      | None<br>None                                                                                                                 | ^71.4<br>^2.4           | Commonwealth of Puerto Rico, Municipality of Ponce. |
| Rio Jacaguas .....               | Approximately 7,005 meters upstream of Calle 1 .....<br>Approximately 96 meters upstream of mouth .....                                                                                                                                                                     | 130.9<br>None                                                                                                                | ^132.5<br>^2.4          | Commonwealth of Puerto Rico, Municipality of Ponce. |
| Rio Jacaguas (at Villalba) ..... | Approximately 162 meters upstream of Puerto Rico Route 149.<br>Approximately 1,180 meters downstream of Puerto Rico Route 150.<br>Approximately 2,010 meters upstream of Puerto Rico Route 561.                                                                             | ^78.2<br>None<br>None                                                                                                        | ^77.4<br>^133.4<br>^196 | Commonwealth of Puerto Rico.                        |
| Rio Limones .....                | At confluence with Rio Guayanes .....                                                                                                                                                                                                                                       | None                                                                                                                         | ^14.8                   | Commonwealth of Puerto Rico.                        |
| Rio Matilde .....                | Approximately 120 meters upstream of Carretera 902<br>Approximately 800 meters downstream of Puerto Rico Route 52.                                                                                                                                                          | None<br>^2.5                                                                                                                 | ^37.6<br>^2.1           | Commonwealth of Puerto Rico.                        |
| Rio Pastillo .....               | Confluence with Rio Canas and Rio Pastillo .....<br>Confluence with Rio Matilde .....                                                                                                                                                                                       | ^11.7<br>^11.7                                                                                                               | ^10.3<br>^10.4          | Commonwealth of Puerto Rico, Municipality of Ponce. |
| Rio Sabana .....                 | Approximately 80 meters upstream of Puerto Rico Route 132.<br>Approximately 875 meters above mouth .....                                                                                                                                                                    | ^42.7<br>None                                                                                                                | ^42<br>^2.7             | Commonwealth of Puerto Rico.                        |
| Rio Turabo .....                 | Approximately 1.050 meters upstream of Carretera 983.<br>At confluence with Rio Grande de Loiza Reach 2 .....                                                                                                                                                               | None<br>^59.1                                                                                                                | ^26.5<br>^57.4          | Commonwealth of Puerto Rico.                        |
| Rio Valenciano .....             | Approximately 7,500 meters upstream of Calle Georgetti.<br>At confluence with Rio Guarabo .....                                                                                                                                                                             | None<br>^59                                                                                                                  | ^105.8<br>^59.8         | Commonwealth of Puerto Rico.                        |
| Vieques Passage .....            | Approximately 1,040 meters upstream of Carretera 928.<br>Approximately 3.9 kilometers southeast of the intersection of Carretera 3 and Carretera 31.<br>Shoreline, approximately 4.1 kilometers southeast of the intersection of Carretera 3 and Carretera 31 (Punta Lima). | None<br>^2.2<br>^3.3                                                                                                         | ^70<br>^1.8<br>^9.8     | Commonwealth of Puerto Rico.                        |
| Vieques Sound .....              | At intersection of Forrestral Drive and Tarawa Drive ....<br>Shoreline, approximately 3.1 kilometers northeast of intersection of Avenida el Conquistador and Carretera Cabezas.                                                                                            | ^2.6<br>^2.9                                                                                                                 | ^3.4<br>^5.2            | Commonwealth of Puerto Rico.                        |

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ 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

##### Commonwealth of Puerto Rico

Maps are available for inspection at Puerto Rico Planning Board, North Building, 16th Floor, De Diego Avenue, Stop 22 Santurce, San Juan, PR.

##### Municipality of Ponce

Maps are available for inspection at Ponce City Hall, Calle Villa—Frente a Plaza Las Delicias, Ponce, PR.

| Flooding source(s)                              | Location of referenced elevation **                                             | * Elevation in feet (NGVD)<br>+ Elevation in feet (NAVD)<br># Depth in feet above ground<br>^ Elevation in meters (MSL) |          | Communities affected                  |
|-------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------|---------------------------------------|
|                                                 |                                                                                 | Effective                                                                                                               | Modified |                                       |
| King County, Washington, and Incorporated Areas |                                                                                 |                                                                                                                         |          |                                       |
| North Creek .....                               | Approximately 690 feet upstream of NE 195th Street, landward of east levee.     | None                                                                                                                    | +34      | City of Bothell, City of Woodinville. |
|                                                 | Approximately at SR 522, east of I-405, landward of east levee.                 | None                                                                                                                    | +34      |                                       |
|                                                 | Approximately 820 feet upstream of North Creek Parkway, landward of east levee. | None                                                                                                                    | +42      |                                       |
| North Creek .....                               | Approximately 100 feet upstream of N 195th Street, landward of west levee.      | None                                                                                                                    | +36      | City of Bothell.                      |
|                                                 | Approximately 820 feet upstream of North Creek Parkway, landward of west levee. | None                                                                                                                    | +42      |                                       |

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ 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

##### City of Bothell

Maps are available for inspection at 9654 NE 182nd St., Bothell, WA.

##### City of Woodinville

Maps are available for inspection at 17301-133rd Ave NE, Woodinville, WA 98072.

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

Dated: February 28, 2008.

**Michael K. Buckley,**

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

[FR Doc. E8-4638 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-7764]

##### 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-7764, 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 (e-mail) [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