

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[REG-158747-06]

RIN 1545-BG45

Withholding Under Internal Revenue Code Section 3402(t); Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to a notice of proposed rulemaking (REG-158747-06) that was published in the **Federal Register** on Friday, December 5, 2008 (73 FR 74082) relating to withholding under section 3402(t) of the Internal Revenue Code.

The proposed regulations reflect changes in the law made by the Tax Increase Prevention and Reconciliation Act of 2005 that require Federal, State, and local government entities to withhold income tax when making payments to persons providing property or services. These proposed regulations provide guidance to assist the government entities in complying with section 3402(t). The regulations also provide certain guidance to persons receiving payments for property or services from government entities.

FOR FURTHER INFORMATION CONTACT: Jean Casey, (202) 622-6040 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The correction notice that is the subject of this document is under sections 3402, 3406, 6011, 6051, 6071, and 6302 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking (REG-158747-06) contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking (REG-158747-06), which was the subject of FR Doc. E8-28789, is corrected as follows:

On page 74087, column 3, in the preamble, under the paragraph heading “*Exception for Certain Payments Received by Nonresident Alien Individuals and Foreign Corporations*”, second paragraph of the column, line 7, the language “under 3402(t) would be unduly” is corrected to read “under section 3402(t) would be unduly”.

Guy Traynor,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E9-85 Filed 1-7-09; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1029]

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 April 8, 2009.

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-1029, 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.

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.

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:

| State | City/town/county | Source of flooding | Location ** | * Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground | |
|----------------------------|-------------------------|--------------------|--|--|----------|
| | | | | Existing | Modified |
| City of Fort Yukon, Alaska | | | | | |
| Alaska | City of Fort Yukon | Yukon River | Static BFE approximately 198’ south, southeast of the intersection of 1st Avenue and Husky Avenue. | None | +445 |
| | | | Static BFE at the intersection of Yukon River and Airport Road. | None | +445 |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Fort Yukon

Maps are available for inspection at East 7th Street, Fort Yukon, AK 99740.

| | | | | | |
|-------------------------------|----------------------|------------------|---|------|----|
| City of Togiak, Alaska | | | | | |
| Alaska | City of Togiak | Togiak Bay | Static BFE approximately 2,427 feet southwest of the southwest end of Togiak Airport. | None | +8 |
| | | | Static BFE at the intersection of the Limit of Detailed Study and the shoreline. | None | +8 |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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ADDRESSES

City of Togiak

Maps are available for inspection at 2nd Avenue G Street, Togiak, AK 99678.

| Flooding source(s) | Location of referenced elevation ** | * Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground | | Communities affected |
|--|-------------------------------------|--|----------|----------------------------------|
| | | Effective | Modified | |
| Lake and Peninsula Borough, Alaska, and Incorporated Areas | | | | |
| Chignik Lake | Entire Shoreline | None | ^16 | Lake and Peninsula Bor- ough. |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Local Tidal Datum.

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ADDRESSES

Lake and Peninsula Borough

Maps are available for inspection at P.O. Box 495, King Salmon, AK 99613.

| | | | | |
|---|---|------|------|--|
| Monroe County, Indiana, and Incorporated Areas | | | | |
| Beanblossom Creek | Approximately 14,256 feet downstream of Pike Road | None | +580 | Unincorporated Areas of Monroe County. |
| Clear Creek | At Old State Road 37 | None | +599 | Unincorporated Areas of Monroe County, City of Bloomington. |
| | Approximately 400 feet downstream of Dillman Road | None | +616 | |
| East Branch Jackson Creek | Approximately 350 feet upstream of First Street | None | +731 | City of Bloomington. |
| | At confluence with Jackson Creek | +738 | +739 | |
| | Approximately 520 feet upstream of confluence with Jackson Creek. | +738 | +739 | |
| East Fork Jackson Creek | Approximately 100 feet upstream of Moores Pike | None | +822 | City of Bloomington. |
| | Approximately 400 feet upstream of Moores Pike | None | +822 | |
| Griffy Creek | Approximately 430 feet upstream of North Dunn Street. | None | +602 | City of Bloomington. |
| | Approximately 2,760 feet upstream of North Headley Road. | None | +602 | |
| Jacks Defeat Creek | Approximately 400 feet upstream of confluence with Beanblossom Creek. | None | +563 | Unincorporated Areas of Monroe County, Town of Ellettsville, Town of Stineville. |
| Jackson Creek | Approximately 550 feet downstream of Harrison Road | +707 | +706 | Unincorporated Areas of Monroe County, City of Bloomington. |
| | At confluence with Clear Creek | None | +634 | |
| Sinking Creek | Approximately 1,120 feet upstream of Buick Cadillac Boulevard. | None | +772 | City of Bloomington. |
| | At West Third Street | None | +855 | |
| Stout Creek | Approximately 420 feet upstream of West Third Street | None | +855 | Unincorporated Areas of Monroe County. |
| | At confluence with Beanblossom Creek | None | +581 | |
| West Branch Jackson Creek | Approximately 7,000 feet upstream of confluence with Beanblossom Creek. | None | +584 | City of Bloomington. |
| | At confluence with Jackson Creek | +738 | +739 | |
| West Fork Clear Creek | Approximately 220 feet upstream of Covenanter Drive | None | +796 | Unincorporated Areas of Monroe County, City of Bloomington. |
| | At confluence with Clear Creek | +645 | +648 | |
| | Approximately 1,780 feet upstream of Sudburg Lane | None | +737 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

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Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

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

ADDRESSES**City of Bloomington**

Maps are available for inspection at City Hall, 401 North Morton Street, Bloomington, IN 47404.

Town of Ellettsville

Maps are available for inspection at Town Hall, 221 North Sale Street, Ellettsville, IN 47429.

Town of Stinesville

Maps are available for inspection at Town Hall, 7835 West Buskirk Street, Stinesville, IN 47464.

Unincorporated Areas of Monroe County

Maps are available for inspection at Monroe County Courthouse, Room 322, 100 West Fifth Street, Bloomington, IN 47404.

Garfield County, Oklahoma, and Incorporated Areas

| | | | | |
|---------------------------------------|--|------|-------|---------------|
| Boggy Creek Tributary (West Branch). | Approximately 481 feet upstream of the confluence of Boggy Creek Tributary West Branch and Boggy Creek Tributary. | None | +1298 | City of Enid. |
| | Approximately 885 feet upstream of the confluence of Boggy Creek Tributary West Branch and Boggy Creek Tributary. | None | +1301 | |
| Tributary A to Boggy Creek Tributary. | Approximately 663 feet upstream of the confluence of Tributary A of Boggy Creek Tributary and Boggy Creek Tributary. | None | +1309 | City of Enid. |
| | Approximately 1,168 feet upstream of the confluence of Tributary A to Boggy Creek Tributary and the Boggy Creek Tributary. | None | +1313 | |

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

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Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES**City of Enid**

Maps are available for inspection at 401 Owen Garriott Road, Enid, OK 73702.

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

Dated: December 31, 2008.

Michael K. Buckley,

Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9-74 Filed 1-7-09; 8:45 am]

BILLING CODE 9110-12-P