

the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by the other Federal, State, or regional entities. The changes BFEs are in accordance with 44 CFR 65.4.

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

Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

*Regulatory Classification.* This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

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

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

## List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

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

## PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

## § 65.4 [Amended]

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

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California: San Diego.	Unincorporated areas of San Diego County (08–09–0782P).	August 18, 2008; August 25, 2008; <i>San Diego Union-Tribune</i> .	The Honorable Greg Cox, Chairman, San Diego County Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	December 23, 2008 .....	060284
Colorado: El Paso ...	City of Colorado Springs (07–08–0958P).	September 2, 2008; September 9, 2008; <i>The Gazette</i> .	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	August 15, 2008 .....	080060
Iowa: Dallas .....	City of Granger (08–07–0907P).	August 21, 2008; August 28, 2008; <i>Northeast Dallas Record</i> .	The Honorable James Doyle, Mayor, City of Granger, 1906 Main Street, Granger, IA 50109.	July 31, 2008 .....	190104
Oklahoma: Tulsa ....	City of Tulsa (08–06–1865P).	July 31, 2008; August 7, 2008; <i>Tulsa World</i> .	The Honorable Kathryn L. Taylor, Mayor, City of Tulsa, 200 Civic Center, Tulsa, OK 74103.	July 17, 2008 .....	405381
Texas:					
Brazos .....	City of Bryan (08–06–0692P).	August 7, 2008; August 14, 2008; <i>Bryan College Station Eagle</i> .	The Honorable D. Mark Conlee, Mayor, City of Bryan, 300 South Texas Avenue, Bryan, TX 77803.	July 25, 2008 .....	480082
Brazos .....	City of College Station (08–06–1882P).	July 31, 2008; August 7, 2008; <i>Bryan College Station Eagle</i> .	The Honorable Ben White, Mayor, City of College Station, 1101 Texas Avenue, College Station, TX 77840.	December 5, 2008 .....	480083
Guadalupe .....	City of Cibolo (08–06–0784P).	August 20, 2008; August 27, 2008; <i>Seguin Gazette-Enterprise</i> .	The Honorable Jennifer Hartman, Mayor, City of Cibolo, P.O. Box 826, Cibolo, TX 78108–0826.	December 26, 2008 .....	480267
Palo Pinto and Parker.	City of Mineral Wells (08–06–2504P).	September 2, 2008; September 9, 2008; <i>Mineral Wells Index</i> .	The Honorable Clarence Holliman, Mayor, City of Mineral Wells, 115 Southwest First Street, Mineral Wells, TX 76067.	January 7, 2009 .....	480517
Virginia: Roanoke ....	Unincorporated areas of Roanoke County (08–03–0782P).	August 15, 2008; August 22, 2008; <i>The Roanoke Times</i> .	The Honorable Richard Flora, Chairman, Roanoke County Board of Supervisors, P.O. Box 29800, Roanoke, VA 24018.	December 22, 2008 .....	510190

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

Dated: September 19, 2008.

**Michael K. Buckley,**

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

[FR Doc. E8–22951 Filed 9–29–08; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### 46 CFR Part 390

[Docket No. MARAD–2008–0075]

RIN 2133–AB71

#### Capital Construction Fund

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** The Maritime Administration is issuing this final rule to implement provisions of the Energy Independence

and Security Act of 2007 and amend the definition of a “qualified vessel” under the Capital Construction Fund. This rule is final because its underlying statutes leave no discretion; therefore, a notice of proposed rulemaking is not required.

**DATES:** *Effective Date:* This final rule is effective September 30, 2008.

#### FOR FURTHER INFORMATION CONTACT:

Murray Bloom, Chief, Division of Maritime Programs, Maritime Administration at 202–366–5320, via e-mail at [Murray.Bloom@dot.gov](mailto:Murray.Bloom@dot.gov), or by writing to Murray Bloom, Office of the Chief Counsel, Maritime Administration, MAR–222, 1200 New

Jersey Avenue, SE., Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Capital Construction Fund allows a deferral of federal income tax provided that the amount of the tax deferral is deposited into a fund to be used for the purpose of acquiring, constructing or reconstructing U.S.-built, U.S.-documented vessels. Such vessels are called “qualified vessels,” and they must be operated in the United States foreign, Great Lakes or noncontiguous domestic trade. On December 19, 2007, the President signed Public Law 110–140, the Energy Independence and Security Act of 2007, which contains Title XI—Energy Transportation and Infrastructure, Subtitle C—Department of Transportation, authorizing the creation of a new Short Sea Transportation Program. The Short Sea Transportation Program establishes an expanded definition of a qualified vessel under the Capital Construction Fund. Public Law 110–140 also expands the trade permitted to qualified vessels by allowing qualified vessels to operate in the short sea transportation trade in addition to the other trades presently permitted. Since Public Law 110–140 specifically defines “short sea transportation trade,” this final rule merely amends the existing regulation by including the statutory definition and making other conforming changes. Separately, Congress enacted Public Law 109–304 to complete the codification of Title 46, United States Code. This statute restated section 607 of the Merchant Marine Act, 1936, without substantive change. Section 607 is now section 53501, *et seq.* This final rule updates the statutory references in the regulation to conform to the new codification.

##### Rulemaking Analyses and Notices

##### Executive Order 12866 (Regulatory Planning and Review), and Department of Transportation (DOT) Regulatory Policies; Public Law 104–121

This rulemaking is not significant under section 3(f) of Executive Order 12866 and as a consequence, OMB did not review the rule. This rulemaking is also not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979). It is also not considered a major rule for purposes of Congressional review under Public Law 104–121. The Maritime Administration believes that the economic impact of this rulemaking is so minimal as to not

warrant the preparation of a full regulatory evaluation. This rulemaking amends the definition of a qualified vessel to conform to the newly enacted statute.

##### Executive Order 13132

We have analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 (“Federalism”) and have determined that it does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. The regulations have no substantial effects on the States, the current Federal-State relationship, or the current distribution of power and responsibilities among various local officials. Therefore, consultation with State and local officials was not necessary.

##### Executive Order 13175

Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000, seeks to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes. Executive Order 13175 does not apply to this regulation as it does not affect, directly or indirectly, Indian tribes.

##### Regulatory Flexibility

The Regulatory Flexibility Act requires us to assess the impact that regulations will have on small entities. After analysis of this final rule, the Maritime Administrator certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

##### Unfunded Mandates Reform Act of 1995

This final rule will not impose an unfunded mandate under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$100 million or more, in the aggregate, to any of the following: State, local, or Native American tribal governments, or the private sector, and is the least burdensome alternative that achieves this objective of U.S. policy. Department of Transportation guidance requires the use of a revised threshold figure of \$136.1 million, which is the value of \$100 million in 2008 after adjusting for inflation.

##### Environmental Assessment

We have analyzed this final rule for purposes of compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and we have concluded that, under the categorical exclusions provision in section 4.05 of Maritime Administrative Order (MAO) 600–1, “Procedures for Considering Environmental Impacts,” 50 FR 11606 (March 22, 1985), neither the preparation of an Environmental Assessment, an Environmental Impact Statement, nor a Finding of No Significant Impact for this rulemaking is required. This final rule does not change the environmental effects of the current Capital Construction Fund program. This final rule implements a definition of a qualified vessel for the Capital Construction Fund. This rulemaking will not result, either individually or cumulatively, in a significant impact on the environment.

##### Paperwork Reduction

This rule does not establish a new requirement for the collection of information. Thus, the Office of Management and Budget (OMB) will not be requested to review and approve the information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

##### Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

##### Privacy Act

You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–19478) or you may visit <http://www.regulations.gov>.

##### List of Subjects in 46 CFR Part 390

Income taxes, Investments, Maritime carriers, Vessels.

■ Accordingly, the Maritime Administration amends 46 CFR part 390 as follows:

##### PART 390—CAPITAL CONSTRUCTION FUND

■ 1. The authority citation for part 390 is amended to read as follows:

**Authority:** Secs. 53501, *et seq.*, of Title 46, United States Code, formerly, section 607,

Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1177); 49 CFR 1.66.

■ 2. In the table below, for each section indicated in the left column, remove the phrase indicated in the middle column

and add the phrase indicated in the right column:

Section	Remove	Add
390.2(a)(2)(i) .....	section 2 of the Shipping Act, 1916 .....	46 U.S.C. 50501.
390.2(a)(2)(ii) .....	section 607(k)(1) of the Act .....	46 U.S.C. 53501.
390.2(a)(2)(iii) .....	section 607(k)(2) of the Act .....	46 U.S.C. 53501(5).
390.2(a)(2)(iii) .....	section 607(k) of the Act .....	46 U.S.C. 53501.
390.2(a)(2)(iii) .....	section 905(a) of the Act .....	46 U.S.C. 109(b).
390.3(a) .....	section 101 of the Act .....	46 U.S.C. 50501.
390.3(b)(2)(i) .....	Internal Revenue Code of 1954 .....	Internal Revenue Code of 1986.
390.5(a) .....	section 607(k) of the Act .....	46 U.S.C. 53501.
390.5(b)(2) introductory text .....	section 607(b) of the Act .....	46 U.S.C. 53505.
390.5(c)(2) introductory text .....	section 607(f) of the Act .....	46 U.S.C. 53509.
390.5(c)(3)(ii) .....	section 506 of the Act .....	46 U.S.C. 53101 note.
390.5(c)(7)(ii)(A) .....	section 905 of the Act .....	46 U.S.C. 109.
390.7(a)(1) .....	section 607(b) of the Act .....	46 U.S.C. 53505.
390.7(a)(2) .....	section 607(d) of the Act .....	46 U.S.C. 53507.
390.7(b)(1) .....	section 607(c) of the Act .....	46 U.S.C. 53506.
390.7(c)(1) .....	section 607(d)(2) of the Act .....	46 U.S.C. 53507(b).
390.7(d)(1) .....	section 607(c) of the Act .....	46 U.S.C. 53506.
390.7(e)(1) .....	section 607(a) of the Act .....	46 U.S.C. 53504.
390.7(f)(1) .....	section 607(b)(2) of the Act .....	46 U.S.C. 53505(b).
390.7(h)(2) .....	section 607(c) of the Act .....	46 U.S.C. 53506.
390.7(i) .....	Title XI of the Act .....	46 U.S.C. Chapter 537.
390.8(a) .....	section 607(c) of the Act .....	46 U.S.C. 53506.
390.8(b)(3)(ii) .....	Internal Revenue Code of 1954 .....	Internal Revenue Code of 1986.
390.8(c)(4) .....	Internal Revenue Code of 1954 .....	Internal Revenue Code of 1986.
390.9(a)(1) introductory text .....	section 607(f) of the Act .....	46 U.S.C. 53509.
390.9(a)(2) .....	section 607(g) of the Act .....	46 U.S.C. 53510.
390.9(b)(4) .....	section 607(f)(1)(C) .....	46 U.S.C. 53509(a)(2).
390.9(c)(1) .....	Internal Revenue Code of 1954 .....	Internal Revenue Code of 1986.
390.9(c)(4) .....	Internal Revenue Code of 1954 .....	Internal Revenue Code of 1986.
390.10(a)(2) .....	section 607(h) of the Act .....	46 U.S.C. 53511.
390.11(c)(1) .....	Internal Revenue Code of 1954 .....	Internal Revenue Code of 1986.
390.12(b)(2) .....	Internal Revenue Code of 1954 .....	Internal Revenue Code of 1986.
390.13(a) .....	section 607(f)(2) of the Act .....	46 U.S.C. 53509(c).
Appendix I to Part 390 .....	section 2 of the Shipping Act, 1916 .....	46 U.S.C. 50501.
Appendix I to Part 390 .....	section 607(k) of the Act .....	46 U.S.C. 53501.
Appendix I to Part 390 .....	section 607(f)(2) of the Act .....	46 U.S.C. 53509(c).
Appendix I to Part 390I .....	section 607(k) of the Act .....	46 U.S.C. 53501.

■ 3. Amend § 390.1 by:

■ A. Revising paragraph (a)(1) and (b) to read as set forth below;

■ B. Removing the phrase “Section 607” and adding in its place “Chapter 535” in paragraphs (a)(3) and (4); and

■ C. Removing the phrase “Section 607 of the Act” and adding in its place “Chapter 535” in paragraph (c).

**§ 390.1 Scope of the regulations.**

(a) *In general*—(1) *Scope*. The regulations prescribed in this part govern the capital construction fund (“fund”) authorized by 46 U.S.C. 53501 *et seq.*

\* \* \* \* \*

(b) *Act*. For purposes of this part, the term Act shall mean Chapter 535 of Title 46, United States Code.

\* \* \* \* \*

■ 4. Section 390.2 is amended by:

■ A. Removing the phrase “section 607 of the Act” and adding in its place “Chapter 535” in paragraph (a)(2) introductory text; and

■ B. Revising the last sentence of paragraph (a)(2)(iii) to read as follows:

**§ 390.2 Application for an agreement.**

(a) \* \* \*

(2) \* \* \*

(iii) \* \* \* Such provisions state that the vessel will be operated in the United States foreign, Great Lakes, noncontiguous domestic, or short sea transportation trade as defined in 46 U.S.C. 53501 and 46 U.S.C. 109(b); and

\* \* \* \* \*

■ 5. Section 390.5 is amended by

■ A. Revising paragraph (c)(1)(iii);

■ B. Redesignating paragraphs (c)(6) through (c)(8) as paragraphs (c)(7) through (c)(9) and adding new paragraph (c)(6);

■ C. Removing the phrase “section 607 of the Act” and adding in its place “Chapter 535” in newly redesignated paragraph (c)(7)(i); and

■ D. Revising newly redesignated paragraphs (c)(7)(iv) and (c)(8)(iii);

**§ 390.5 Agreement vessel.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(iii) Operated in the United States foreign, Great Lakes, noncontiguous domestic, or short sea transportation trade.

\* \* \* \* \*

(6) Short Sea Transportation Trade. The term short sea transportation trade means the carriage by vessel of cargo—

(i) That is:

(A) Contained in intermodal cargo containers and loaded by crane on the vessel; or

(B) Loaded on the vessel by means of wheeled technology; and

(ii) That is:

(A) Loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

(B) Loaded at a port in Canada located in the Great Lakes Saint Lawrence

Seaway System and unloaded at a port in the United States.”

(7) \* \* \*

(iv) Bunkering in support of non-qualified trade operations.

(8) \* \* \*

(iii) Ship assist work, including lightering or shifting of a vessel at the end or beginning of a noncontiguous domestic, short sea transportation trade, Great Lakes or U.S. foreign trade voyage. In addition, the lightering of foreign-flag vessels in U.S. ports is permitted.

\* \* \* \* \*

#### § 390.12 [Amended]

■ 6. In § 390.12, remove the phrase “section 607 of the Act” and add in its place “Chapter 535” in paragraph (a)(1).

#### Appendix I to Part 390—[Amended]

■ 7. In Appendix I:

■ A. Remove the phrase “section 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177)” and add in its place “46 U.S.C. 53501 *et seq.*” wherever it may occur; and

■ B. Remove “19 \_\_\_\_” and add in its place “20 \_\_\_\_” wherever it may occur.

#### Appendix II to Part 390—[Amended]

■ 8. In Appendix II:

■ A. Remove the phrase “section 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177)” and add in its place “46 U.S.C. 53501 *et seq.*” wherever it may occur; and

■ B. Remove “19 \_\_\_\_” and add in its place “20 \_\_\_\_” wherever it may occur.

#### Appendix IV to Part 390—[Amended]

■ 9. In Appendix IV:

■ A. Remove the phrase “Assistant General Counsel” and add in its place “Assistant Chief Counsel” wherever it may occur; and

■ B. Remove “19 \_\_\_\_” and add in its place “20 \_\_\_\_” wherever it may occur.

Dated: September 18, 2008.

By order of the Maritime Administrator.

Leonard Sutter,

Secretary, Maritime Administration.

[FR Doc. E8–22235 Filed 9–29–08; 8:45 am]

BILLING CODE 4910–81–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 63

[WC Docket No. 02–313; DA 08–2112; FCC 06–86]

### Biennial Regulatory Review of Regulations Administered by the Wireline Competition Bureau

AGENCY: Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the final regulations, which were published in the **Federal Register** on November 9, 2006, 71 FR 65743. The regulations related to rules that apply to the operations and activities of providers of telecommunications services.

**DATES:** Effective on September 30, 2008.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Degani, Wireline Competition Bureau, Competition Policy Division, at (202) 418–2277 or via the Internet at [nicholas.degani@fcc.gov](mailto:nicholas.degani@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Commission published a document in the **Federal Register** on November 9, 2006, 71 FR 65743, summarizing the Commission’s Report and Order in WC Docket No. 02–313, released August 21, 2006. The Report and Order included drafting errors regarding where to send comments on the proposed discontinuance, reduction, or impairment of domestic service by a common carrier. On September 17, 2008, the Commission published an erratum correcting the drafting errors.

##### Need for Correction

As published, the final regulations contain errors in the Commission’s zip code.

##### List of Subjects in 47 CFR Part 63

Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

■ Accordingly, 47 CFR part 63 is corrected by making the following correcting amendments:

### PART 63—EXTENSION OF LINES, NEW LINES, AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

■ 1. The authority citation for part 63 continues to read as follows:

**Authority:** Sections 1, 4(i), 4(j), 10, 11, 201–205, 214, 218, 403, and 651 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 160, 161, 201–205, 214, 218, 403, and 571, unless otherwise noted.

■ 2. Section 63.71 is amended by revising the third sentence in paragraph (a)(5)(i) and the third sentence in paragraph (a)(5)(ii) to read as follows:

### § 63.71 Procedures for discontinuance, reduction or impairment of service by domestic carriers.

\* \* \* \* \*

(a) \* \* \*

(5) \* \* \*

(i) \* \* \* Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of (carrier’s name). \* \* \*

(ii) \* \* \* Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the Section 63.71 Application of (carrier’s name). \* \* \*

\* \* \* \* \*

[FR Doc. E8–22803 Filed 9–29–08; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 593

[Docket No. NHTSA–2008–0134]

### List of Nonconforming Vehicles Decided To Be Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

**SUMMARY:** This document revises the list of vehicles not originally manufactured to conform to the Federal motor vehicle safety standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency’s regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2007, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the **Federal Register**.

**DATES:** The revised list of import eligible vehicles is effective on September 30, 2008.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA, (202) 366–3151.

**SUPPLEMENTARY INFORMATION:** Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to