

determinations of uranium in drinking water is acceptable and is sensitive enough to detect at less than one part per billion (1 ug/L). The uranium MCL is 30 ug/L.

EPA reviewed each of these methods for performance and applicability to compliance determinations of uranium in drinking water. Three of these methods, EPA 200.8, ASTM D5673-03, and SM 3125, have acceptable performance and are otherwise suitable for compliance determinations of uranium in drinking water. Method EPA 200.8 was published by EPA in 1994; method ASTM D5673-03 was published by ASTM International in 2003; and SM 3125 was published by the Standard Methods Committee in 1998. In today's proposed rule, EPA is proposing the use of these ICP-MS methods for compliance determinations of uranium in drinking water.

EPA is not, in today's proposed rule, proposing the use of these methods for any other purposes. EPA notes that EPA 200.8 was approved for compliance determinations of several regulated metals in drinking water on December 5, 1994. (59 FR 62456) EPA also recognizes that the other two ICP-MS methods proposed through today's action for determination of other uranium may also be applicable to monitoring for other drinking water contaminants. Although the analytical scope of ASTM D5673-03 and SM 3125 extends beyond uranium, these two methods were not published until 2003 and 1998, respectively. In a later rulemaking, EPA may consider extending the use of ASTM D5673-03 and SM 3125 to compliance determinations of other regulated metals.

Like fluorimetric and laser phosphorimetry methods, ICP-MS measures uranium mass only; therefore all caveats discussed in the December 2000 Radionuclides Rule on using mass methods to determine contributions to gross alpha also apply. (65 FR 76724)

Today's proposed rule does not affect approval of the 15 methods currently specified at 40 CFR 141.25(a) for compliance determinations of uranium.

#### V. Statutory and Executive Order Reviews

For the Statutory and Executive Order reviews see the parallel direct final rule found elsewhere in today's **Federal Register**.

#### List of Subjects for 40 CFR Part 141

Environmental protection, Chemicals, Indians-lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Dated: May 24, 2004.

**Michael O. Leavitt**,  
*Administrator.*

For the reasons set out in the preamble, title 40, chapter 1 of the Code of Federal Regulations is amended as found in the parallel direct final rule found elsewhere in today's **Federal Register**.

[FR Doc. 04-12300 Filed 6-1-04; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-D-7592]

#### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** 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 base flood and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

*National Environmental Policy Act.*

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

*Regulatory Flexibility Act.* The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

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

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

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

#### List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

#### PART 67—[AMENDED]

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

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

**§ 67.4 [Amended]**

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

Source of flooding	Location	#Depth in feet above ground. *Elevation in meters (MSL) ±Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
<b>KENTUCKY</b>				
<b>Bullitt County</b>				
Brooks Run .....	At the confluence with Floyds Fork ..... Approximately 200 feet upstream of State Route 1020.	None ..... None .....	•454 •515	Bullitt County (Unincorporated Areas), City of Fox Chase, City of Hillview, City of Pio- neer Village.
Brier Creek .....	A ponding area extending from the con- fluence with Pond Creek to approximately 1,520 feet upstream of the Railroad.	None .....	•431	Bullitt County (Unincorporated Areas).
Bullitt Lick Creek— Mud Run.	At the confluence with Salt River ..... Approximately 565 feet upstream of Blue Lick Creek Road.	None ..... None .....	•447 •447	Bullitt County (Unincorporated Areas), City of Shepherdsville.
Crooked Creek .....	Approximately 3.8 miles upstream of the confluence with Rolling Fork. Approximately 1,100 feet upstream of East Parallel Road.	None ..... None .....	•430 •472	Bullitt County (Unincorporated Areas), City of Lebanon Junction.
Floyds Fork .....	At the confluence of Salt River ..... Approximately 3.3 miles upstream of State Highway 44.	•451 ..... None .....	•450 •454	Bullitt County (Unincorporated Areas), City of Hillview, City of Shepherdsville.
Floyds Fork .....	At the confluence with Salt River ..... Approximately 3.3 miles upstream of State Highway 44.	•451 ..... None .....	•450 •454	Bullitt County (Unincorporated Areas), City of Shepherdsville.
Knob Creek .....	At the confluence with Pond Creek ..... Approximately 2.29 miles upstream of High- way 44.	None ..... None .....	•431 •456	Bullitt County (Unincorporated Areas).
Knob Creek Tributary	At the confluence with Knob Creek ..... Approximately 1 mile upstream from Shoffet Lane.	None ..... None .....	•444 •494	Bullitt County (Unincorporated Areas).
Long Lick Creek .....	At the confluence with Salt River ..... Approximately 4,100 feet upstream of Happy Hallow Road.	None ..... None .....	•446 •487	Bullitt County (Unincorporated Areas).
Ohio River .....	At the confluence of Salt River ..... Approximately 1.4 miles upstream of the confluence of Salt River.	None ..... None .....	•443 •443	Bullitt County (Unincorporated Areas).
Pond Creek .....	A ponding area extending from the pump station to the confluence of Brier Creek.	None .....	•431	Bullitt County (Unincorporated Areas).
Salt River .....	At the confluence of Bullitt Lick Creek ..... Approximately 1.1 miles upstream of the confluence of Bullitt Creek.	None ..... None .....	•447 •447	Bullitt County (Unincorporated Areas).
Whittaker Run .....	At the confluence with Salt River ..... Approximately 700 feet upstream of U.S. Route 31 East.	None ..... None .....	•461 •490	Bullitt County (Unincorporated Areas).

**Bullitt County (Unincorporated Areas)**

Maps available for inspection at the Bullitt County Planning Commission, 214 Frank E. Simon Avenue, Shepherdsville, Kentucky.

Send comments to The Honorable Kenneth Rigdon, Bullitt County Judge/Executive, County Courthouse, P.O. Box 768, Shepherdsville, Kentucky 40165.

**City of Fox Chase**

Maps available for inspection at the Fox Chase City Hall, 4814 Fox Chase Drive, Shepherdsville, Kentucky.

Send comments to The Honorable Joe E. Laswell, Mayor of the City of Fox Chase, 4814 Fox Chase Drive, Shepherdsville, Kentucky 40161.

**City of Hillview**

Maps available for inspection at the Hillview City Hall, 298 Prairie Drive, Louisville, Kentucky.

Send comments to The Honorable Leemon Powell, Mayor of the City of Hillview, 298 Prairie Drive, Louisville, Kentucky 40229.

**City of Lebanon Junction**

Maps available for inspection at the Lebanon Junction City Hall, 271 Main Street, Lebanon Junction, Kentucky.

Send comments to The Honorable George Halk, Mayor of the City of Lebanon Junction, P.O. Box 69, Lebanon Junction, Kentucky 40150.

**City of Pioneer Village**

Maps available for inspection at the Pioneer Village City Hall, 4700 Summitt Drive, Louisville, Kentucky.

Send comments to The Honorable Gary Hatcher, Mayor of the City of Pioneer Village, 4700 Summitt Drive, Louisville, Kentucky 40229.

**City of Shepherdsville**

Source of flooding	Location	#Depth in feet above ground. *Elevation in meters (MSL) +Elevation in feet (NAVD)		Communities affected
		Existing	Modified	

Maps available for inspection at the Shepherdsville City Hall, 170 Frank E. Simon Avenue, Shepherdsville, Kentucky.  
Send comments to The Honorable Joseph Sohm, Mayor of the City of Shepherdsville, P.O. Box 400, Shepherdsville, Kentucky 40165.

**MINNESOTA**

City of Minneapolis (Hennepin County)

Mississippi River .....	Approximately 2,100 feet downstream of confluence of Minnehaha Creek. Downstream of Lock and Dam No. 1 .....	None .....	*714	City of Minneapolis.
		*717 .....	*716	
Minnehaha Creek .....	At confluence with Mississippi River ..... Approximately 2,450 feet upstream of confluence with the Mississippi River.	*717 .....	*715	City of Minneapolis.
		*717 .....	*715	

**City of Minneapolis**

Maps available for inspection at the Minneapolis City Hall, Public Works Office, 350 South Fifth Street, Minneapolis, Minnesota.  
Send comments to the Honorable R. T. Rybak, Mayor of the City of Minneapolis, 350 South Fifth Street, Room 331, Minneapolis, Minnesota 55415.

**PUERTO RICO**

Commonwealth and Municipalities

Rio Guamani .....	Approximately 100 meters above the mouth of Caribbean Sea. Approximately 0.60 kilometers upstream of Puerto Rico Route 10.	*3.0 .....	*3.2	Commonwealth of Puerto Rico.
		None .....	*154.4	
Rio de Bayamon .....	Approximately 100 meters downstream of Puerto Rico Route 2. Approximately 9.5 kilometers upstream of Puerto Rico Route 174.	*10.8 .....	*10.7	Commonwealth of Puerto Rico, Municipality of Bayamon.
		None .....	*250.6	
Rio de La Plata (Toa Baja).	Approximately 0.1 kilometer above the confluence with Atlantic Ocean. Approximately 0.1 kilometer downstream of Puerto Rico Route 2.	*2.6 .....	*3.3	Commonwealth of Puerto Rico.
		*11.5 .....	*13.1	
Rio Nigua .....	Approximately 400 meters upstream of mouth of Rio Nigua. Approximately 2.70 kilometers upstream of Puerto Rico Route 52.	*3.4 .....	*3.2	Commonwealth of Puerto Rico.
		*48.2 .....	*49.5	
Rio Coamo .....	Approximately 2.16 kilometers downstream of Puerto Rico Route 1. Approximately 2.15 kilometers upstream of Puerto Rico Route 1.	*2.9 .....	*3.0	Commonwealth of Puerto Rico.
		None .....	*20.1	
Rio de La Plata (Toa Alta).	Approximately 0.1 kilometer downstream of Puerto Rico Route 2. Approximately 0.3 kilometer upstream of Puerto Rico Route 824.	*11.5 .....	*13.1	Commonwealth of Puerto Rico.
		None .....	*22.0	
Rio de La Plata: Overflow.	Approximately 0.79 kilometer downstream of the road to Military Reservation. Approximately 0.45 kilometer upstream of Puerto Rico Route 854.	*2.2 .....	*2.3	Commonwealth of Puerto Rico.
		*7.1 .....	*6.7	
Rio Grande .....	At the confluence with Espiritu Santo River At the Puerto Rico Route 3 .....	*2.8 .....	*5.0	Commonwealth of Puerto Rico.
		*3.5 .....	*6.9	

**Commonwealth of Puerto Rico**

Maps available for inspection at the Puerto Rico Planning Board, Minilas Government Center, North Building, East Diego Avenue, Stop 22, San Juan, Puerto Rico.

Send comments to Mr. Angel D. Rodriguez, Chairperson of the Puerto Rico Planning Board, P.O. Box 41119, San Juan, Puerto Rico 00940-1119.

Municipality of Bayamon

Source of flooding	Location	#Depth in feet above ground. *Elevation in meters (MSL) ±Elevation in feet (NAVD)		Communities affected
		Existing	Modified	

Maps available for inspection at Carretera #2, Alcaldia de Bayamon, 4to piso Oficina de Ordenacion Territorial, Bayamon, Puerto Rico. Send comments to The Honorable Ramon Luis Rivera, Mayor of the Municipality of Bayamon, Carretera #2, Alcaldia de Bayamon, Bayamon, Puerto Rico 00731.

#### NORTH CAROLINA

##### Durham County (Unincorporated Areas)

The proposed, proposed modified Base (1% annual chance) Flood Elevations (BFEs), and the location of the local map repository for the unincorporated areas of Durham County have been provided on FEMA's Flood Hazard Mapping Web site at [http://www.fema.gov/fhm/st\\_hot.sht](http://www.fema.gov/fhm/st_hot.sht). Contact the FEMA Map Assistance Center toll free at 1-877-FEMA Map (877-336-2627) for further information or a copy of the BFEs.

#### NORTH CAROLINA

##### City of Durham, Durham County

The proposed, proposed modified Base (1% annual chance) Flood Elevations (BFEs), and the location of the local map repository for the City of Durham have been provided on FEMA's Flood Hazard Mapping Web site at [http://www.fema.gov/fhm/st\\_hot.sht](http://www.fema.gov/fhm/st_hot.sht). Contact the FEMA Map Assistance Center toll free at 1-877-FEMA Map (877-336-2627) for further information or a copy of the BFEs.

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

Dated: May 26, 2004.

**Anthony S. Lowe,**

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

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-A125

#### Endangered and Threatened Wildlife and Plants; Determinations of Prudency of Critical Habitat Designation for Two Mammal and Four Bird Species in Guam and the Commonwealth of the Northern Mariana Islands; Designations of Critical Habitat for One Mammal and Two Bird Species in Guam and the Commonwealth of the Northern Mariana Islands

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period, notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service) announce the reopening of the public comment period for the proposed rule to designate critical habitat for the Mariana fruit bat and the Guam Micronesian kingfisher on Guam, and the Mariana crow on Guam and Rota. We have received a proposed natural resource management plan from Guam since the close of the comment period, and the comment period is reopened to allow additional

time for all interested parties to consider this information and submit written comments on the Guam proposal. Comments already submitted on the proposed rule need not be resubmitted as they already have been incorporated into the public record and will be fully considered in the final determination.

**DATES:** The comment period for this proposal now closes on July 19, 2004. Any comments received by the closing date will be considered in the final decision on this proposal.

**ADDRESSES:** Written comments and information should be submitted to the Acting Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Boulevard, Room 3-122, P.O. Box 50088, Honolulu HI 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Gina Shultz, Assistant Field Supervisor, at the above address (telephone 808/792-9400; facsimile 808/792-9580).

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 15, 2002, we proposed designating critical habitat on approximately 10,053 hectares (ha) (24,840 acres (ac)) in two units on the island of Guam for the Mariana fruit bat (*Pteropus mariannus mariannus*) and the Guam Micronesian kingfisher (*Halcyon cinnamomina cinnamomina*) (67 FR 63738). For the Mariana crow (*Corvus kubaryi*), we proposed designating critical habitat on approximately 9,325 ha (23,042 ac) in two units on the island of Guam and approximately 2,462 ha (6,084 ac) in one unit on the island of Rota in the

Commonwealth of the Northern Mariana Islands. On Guam, the boundaries of the proposed critical habitat units for the Mariana fruit bat and Guam Micronesian kingfisher are identical, and the boundaries of the proposed critical habitat for the Mariana crow are contained within these boundaries. On Rota, critical habitat is proposed only for the Mariana crow. For locations of these proposed units and additional information, please see the proposed rule (67 FR 63738).

The original comment period for the proposed rule closed on December 16, 2002. On December 5, 2002, we published a notice in the **Federal Register** announcing an extension of the public comment period to January 6, 2003, and the availability of the draft economic analysis for the proposed designation of critical habitat (67 FR 72407). On January 28, 2003, we published a notice to reopen the comment period until February 18, 2003, due to hardships caused by Super typhoon Pongsona on Guam and Rota (68 FR 4159). On May 30, 2003, the Government of Guam filed a motion to extend the court-ordered deadline for completing the critical habitat process to allow time to develop an alternative to critical habitat designation on Guam. On June 13, 2003, the Federal District Court for Guam extended the deadline for publication "indefinitely," and set a status conference for October 7, 2003. On June 23, 2003, the Plaintiffs filed a notice of appeal to the 9th Circuit from the District Court's June 13, 2003, order. On October 7, 2003, the District Court held a status conference in which the Government of Guam requested a continuance of one month. On October 16, 2003, the Guam District Court