

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R03-OAR-2007-0511; FRL-8477-1]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Carbon Monoxide Maintenance Plan Update; Limited Maintenance Plan in Philadelphia County****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Pennsylvania for the purpose of establishing a limited maintenance plan for carbon monoxide in Philadelphia County for the maintenance period of 2007–2017. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by November 5, 2007.**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2007-0511 by one of the following methods:

A. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. *E-mail:* [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

C. *Mail:* EPA-R03-OAR-2007-0511, Marilyn Powers, Acting Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-R03-OAR-2007-0511. EPA's policy is that all comments

received will be included in the public docket without change, and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105; and the Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, Pennsylvania 19104.

**FOR FURTHER INFORMATION CONTACT:** Catherine L. Magliocchetti, (215) 814-2174, or by e-mail at [magliocchetti.catherine@epa.gov](mailto:magliocchetti.catherine@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information regarding this SIP revision submitted by the State of Pennsylvania for the purpose of establishing a limited maintenance plan for carbon monoxide in Philadelphia County for the maintenance period of 2007–2017, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: September 14, 2007.

**Donald S. Welsh,***Regional Administrator, Region III.*

[FR Doc. E7-19517 Filed 10-4-07; 8:45 am]

**BILLING CODE 6560-50-P****DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 67**

[Docket No. FEMA-D-7822]

**Proposed Flood Elevation Determinations****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Proposed rule.

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

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

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

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Engineering Management Section, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

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

insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

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

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

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

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

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

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

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

**PART 67—[AMENDED]**

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

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

**§ 67.4 [Amended]**

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

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Lexington-Fayette Urban County Government, Kentucky, and Incorporated Areas</b>				
Bowman Mill Tributary .....	At the confluence with South Elkhorn Creek .....	None	+890	Lexington-Fayette Urban County Government.
	Approximately 920 feet upstream of Palomar Boulevard.	None	+940	
Bryant Tributary .....	At the confluence with North Elkhorn Creek .....	None	+943	Lexington-Fayette Urban County Government.
	Approximately 2,200 feet upstream of Polo Club Boulevard.	None	+985	
Cave Hill Tributary .....	At the confluence with Bowman Mill Tributary .....	None	+907	Lexington-Fayette Urban County Government.
	Approximately 2,780 feet upstream of the confluence with Bowman Mill Tributary.	None	+954	
Southpoint Tributary .....	At the confluence with West Hickman Creek .....	None	+890	Lexington-Fayette Urban County Government.
	Approximately 2,800 feet upstream of Southpoint Drive.	None	+947	
Wolf Run .....	Approximately 280 feet upstream of Beacon Hill Tributary.	+923	+922	Lexington-Fayette Urban County Government.
	At Nicholasville Road .....	None	+990	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES**

**Lexington-Fayette Urban County Government**

Maps are available for inspection at Division of Planning, Current Planning Section, 101 East Vine Street, Lexington, KY 40507.

Send comments to The Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, KY 40507.

**Tate County, Mississippi, and Incorporated Areas**

Arkabutla Reservoir .....	Arkabutla Reservoir .....	None	+245	Town of Coldwater, Unincorporated Areas of Tate County.
Coldwater River .....	0.7 Miles Downstream of Arkabutla Reservoir Dam ..	None	+195	Unincorporated Areas of Tate County.
	At County Boundary .....	None	+252	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
Pigeon Roost Creek .....	0.6 Miles Downstream of Pigeon Roost Road .....	None	+292	Unincorporated Areas of Tate County.
	400 Ft Downstream of Pidgeon Roost Road .....	None	+295	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

#### ADDRESSES

##### Town of Coldwater

Maps are available for inspection at 444 Court Street, Coldwater, MS 38618.

Send comments to The Honorable Jessie Edwards, Mayor, Town of Coldwater, 444 Court Street, Coldwater, MS 38618.

##### Unincorporated Areas of Tate County

Maps are available for inspection at 201 Ward Street, Senatobia, MS 38668.

Send comments to Mr. James Sowell, President, Tate County Board of Supervisors, 201 Ward Street, Senatobia, MS 38668.

#### Clay County, North Carolina and Incorporated Areas

Blair Creek .....	At the confluence with Hiwassee River .....	None	+1,800	Clay County (Unincorporated Areas).
Brasstown Creek .....	Approximately 0.4 mile upstream of NC-69 .....	None	+1,840	Clay County (Unincorporated Areas).
	At the confluence with Hiwassee River .....	None	+1,587	
Chatuga Lake .....	Approximately 400 feet upstream of West Road (State Road 1111).	None	+1,713	Clay County (Unincorporated Areas).
	Entire shoreline within Clay County .....	None	+1,929	
Coleman Creek .....	At the confluence with Hyatt Mill Creek .....	None	+1,934	Clay County (Unincorporated Areas).
	Approximately 800 feet upstream of the confluence with Hyatt Mill Creek.	None	+1,934	
Crawford Creek .....	At the confluence with Brasstown Creek .....	None	+1,698	Clay County (Unincorporated Areas).
	Approximately 1,430 feet upstream of Pine Ridge Drive.	None	+1,837	
Downing Creek .....	At the confluence with Hiwassee River .....	None	+1,796	Clay County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Lawrence Smith Road (State Road 1324).	None	+1,959	
Eagle Fork Creek .....	At the confluence with Shooting Creek .....	None	+2,045	Clay County (Unincorporated Areas).
	Approximately 200 feet upstream of Sally Gap Road	None	+2,211	
Fires Creek .....	At the confluence with Hiwassee River .....	None	+1,724	Clay County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Fires Creek Road (State Road 1300).	None	+1,834	
Giesky Creek .....	At the confluence with Shooting Creek .....	None	+1,981	Clay County (Unincorporated Areas).
	Approximately 1,530 feet upstream of Sally Gap Road.	None	+2,172	
Gumlog Creek .....	At the confluence with Brasstown Creek .....	None	+1,669	Clay County (Unincorporated Areas).
	Approximately 300 feet upstream of Pine Log Road (State Road 1104).	None	+1,703	
Hiwassee River .....	Approximately 500 feet downstream of Old Highway 64W (State Road 1100).	None	+1,590	Clay County (Unincorporated Areas), Town of Hayesville.
	Approximately 1,380 feet upstream of the confluence of Hiwassee River Tributary 1.	None	+1,885	
Tributary 1 .....	At the confluence with Hiwassee River .....	None	+1,811	Clay County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Chatuge Dam Road (State Road 1146).	None	+1,811	
Hothouse Branch .....	At the confluence with Shooting Creek .....	None	+1,943	Clay County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Fred and Carl Lane.	None	+2,015	
Hyatt Mill Creek .....	At the confluence with Hiwassee River .....	None	+1,802	Clay County (Unincorporated Areas).
	At the confluence of Coleman Creek .....	None	+1,934	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
Licklog Creek .....	Approximately 200 feet downstream of U.S. Highway 64.	None	+1,929	Clay County (Unincorporated Areas).
	Approximately 450 feet upstream of Peckerwood Road (State Road 1328).	None	+2,005	
Muskrat Branch .....	At the confluence with Shooting Creek and Thompson Creek.	None	+2,183	Clay County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Shooting Creek and Thompson Creek.	None	+2,429	
Nantahala River .....	At the Clay/Macon County boundary .....	None	+3,013	Clay County (Unincorporated Areas).
	Approximately 450 feet downstream of Thunderstruck Lane.	None	+3,089	
Pinelong Creek .....	At the confluence with Brasstown Creek .....	None	+1,641	Clay County (Unincorporated Areas).
Qually Creek .....	Approximately 1.0 mile upstream of Royal Oaks Trail	None	+1,914	Clay County (Unincorporated Areas).
	At the confluence with Hiwassee River .....	None	+1,788	
Shooting Creek .....	Approximately 0.5 mile upstream of Ali Drive .....	None	+1,837	Clay County (Unincorporated Areas).
	Approximately 800 feet upstream of Old Highway 64E.	None	+1,929	
Sweetwater Creek .....	Approximately 90 feet upstream of Old Highway 64E	None	+2,183	Clay County (Unincorporated Areas).
	At the confluence with Hiwassee River .....	None	+1,686	
Thompson Creek .....	Approximately 1.2 miles upstream of U.S. Highway 64.	None	+1,844	Clay County (Unincorporated Areas).
	At the confluence with Shooting Creek .....	None	+2,183	
Town Creek .....	Approximately 0.5 mile upstream of Muskrat Creek Road (State Road 1173).	None	+2,283	Clay County (Unincorporated Areas), Town of Hayesville.
	At the confluence with Hiwassee River .....	None	+1,793	
Tusquitee Creek .....	Approximately 0.5 mile upstream of Anderson Street	None	+1,831	Clay County (Unincorporated Areas).
	At the confluence with Hiwassee River .....	None	+1,783	
Winchester Creek .....	Approximately 2.0 miles upstream of Chairmaker Drive.	None	+2,214	Clay County (Unincorporated Areas).
	At the confluence with Brasstown Creek .....	None	+1,671	
	Approximately 1,090 feet upstream of West Gum Log Road (State Road 1107).	None	+1,716	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES**

**Clay County**

Maps are available for inspection at Clay County Building, 33 Main Street, Hayesville, NC.

Send comments to Mr. Paul Leek, Clay County Manager, P.O. Box 118, Hayesville, NC 28904.

**Town of Hayesville**

Maps are available for inspection at Hayesville Town Hall, 235 Sanderson Street, Hayesville, NC.

Send comments to The Honorable Harrell Moore, Mayor of the Town of Hayesville, P.O. Box 235, Hayesville, NC 28904.

**Dyer County, Tennessee, and Incorporated Areas**

Mississippi River .....	Approximately 720 feet downstream from the confluence of Obion River.	None	+268	Unincorporated Areas of Dyer County.
	County boundary .....	None	+281	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES**

**Unincorporated Areas of Dyer County**

Maps are available for inspection at Building Inspector's Office, #1 Veterans Square, Dyersburg, TN 38025.

Send comments to The Honorable Richard Hill, Mayor, Dyer County, Dyer County Courthouse, P.O. Box 1360, Dyersburg, TN 38025-1360.

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

Dated: September 21, 2007.

**David I. Maurstad,**

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

[FR Doc. E7-19680 Filed 10-4-07; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AV19

#### **Endangered and Threatened Wildlife and Plants; 12-Month Petition Finding and Proposed Rule To List the Polar Bear (*Ursus maritimus*) as Threatened Throughout Its Range**

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

**ACTION:** Extension of comment period; notice of availability of new information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the extension of the public comment period on nine new United States Geological Survey (USGS) reports produced for the Service to provide current data and modeling results relevant to the final determination of whether the polar bear (*Ursus maritimus*) qualifies for listing under the Endangered Species Act of 1973, as amended (Act). We intend to take these reports into consideration as we make our final listing determination on the polar bear, and are extending the reopened public comment period on the January 9, 2007, proposed rule to list the polar bear as threatened throughout its range under the Act (72 FR 1064) for an additional 15 days to allow interested parties to comment on the USGS reports. We are limited in how long we can extend the public comment period because of the statutory deadline, which requires a final listing determination within one year of publication of the proposed rule, unless an extension of up to six months is granted due to substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination.

Please note that comments previously submitted should not be resubmitted. This comment period is open only for comments on the nine USGS reports listed below. Comments submitted during the prior comment period have been incorporated into the public record

and will be fully considered during preparation of our final determination.

**DATES:** We will accept public comments until October 22, 2007.

**ADDRESSES:** You may submit comments and materials to us by any one of the following methods:

(1) You may mail or hand-deliver written comments and information to the Supervisor, U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, AK 99503.

(2) You may send comments by electronic mail (e-mail) to: [Polar\\_Bear\\_Finding@fws.gov](mailto:Polar_Bear_Finding@fws.gov). For instructions on how to file comments electronically, see the "Public Comments Solicited" section below. In the event that our Internet connection is not functional, please submit your comments by one of the alternate methods listed in this section.

(3) You may submit your comments via the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments.

For information on obtaining copies of the nine USGS reports, see the "Obtaining Copies of the Nine USGS reports" section below.

**FOR FURTHER INFORMATION CONTACT:** Rosa Meehan, Marine Mammals Management Office (see **ADDRESSES**) (telephone 907-786-3800). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

**SUPPLEMENTARY INFORMATION:** On January 9, 2007, the Service published a 12-month petition finding and proposed rule to list the polar bear (*Ursus maritimus*) as threatened throughout its range under the Act (72 FR 1064). The document announced a 3-month public comment period on the proposed rule, which closed on April 9, 2007. We also held three public hearings during the proposed rule's comment period, as announced in the February 15, 2007, **Federal Register** (72 FR 7381).

On September 7, 2007, the Service received nine reports prepared by the USGS that provide new data and modeling outputs relevant to the final determination of whether the polar bear qualifies for listing as threatened or endangered under the Act. These reports are:

(1) Polar Bear Population Status in the Northern Beaufort Sea by Stirling et al.

(2) Polar Bear Population Status in Southern Hudson Bay Canada by Obbard et al.

(3) Polar Bears in the Southern Beaufort Sea I: Survival and Breeding in

Relation to Sea Ice Conditions, 2001-2006 by Regehr et al.

(4) Polar Bears in the Southern Beaufort Sea II: Demography and Population Growth in Relation to Sea Ice Conditions by Hunter et al.

(5) Polar Bears in the Southern Beaufort Sea III: Stature, Mass, and Cub Recruitment in Relationship to Time and Sea Ice Extent Between 1982 and 2006 by Rode et al.

(6) Uncertainty in Climate Model Predictions of Arctic Sea Ice Decline: An Evaluation Relevant to Polar Bears by DeWeaver.

(7) Predicting the Future Distribution of Polar Bear Habitat in the Polar Basin from Resource Selection Functions Applied to 21st Century General Circulation Model Projections of Sea Ice by Durner et al.

(8) Predicting Movements of Female Polar Bears between Summer Sea Ice Foraging Habitats and Terrestrial Denning Habitats of Alaska in the 21st Century: Proposed Methodology and Pilot Assessment by Bergen et al.

(9) Forecasting the Range-wide Status of Polar Bears at Selected Times in the 21st Century by Amstrup et al.

On September 20, 2007, we published a notice in the **Federal Register** announcing the availability of these nine reports and our intention to consider them in making our final listing determination (72 FR 53749). In that notice we also reopened the public comment period on the January 9, 2007, proposed rule to list the polar bear as threatened under the Act (72 FR 1064) for 15 days to provide the public the opportunity to submit comments or information on these reports. Because of the volume and complexity of the information in the reports, we are extending the public comment period for an additional 15 days. The comment period now closes on October 22, 2007. We are asking for public comments on these reports and a review of the extent to which they add to the knowledge base for making the final decision. In particular we are seeking information regarding whether the reports raise an issue of substantial disagreement among scientists knowledgeable about polar bears regarding the accuracy or sufficiency of the available data relevant to the listing determination.

#### **Obtaining Copies of the Nine USGS Reports**

You may obtain copies of any of the nine USGS reports:

- By mail from the U.S. Department of the Interior, United States Geological Survey, Office of Communication, 119 National Center, Reston, VA 20192;