

make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This proposed rule does not affect the level of protection provided to human health or the environment because this rule proposes to authorize pre-existing State rules which are equivalent to, and no less stringent than existing federal requirements.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians—lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This proposed action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: September 18, 2008.

**Elin D. Miller,**

*Regional Administrator, Region 10.*

[FR Doc. E8–22800 Filed 9–29–08; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA–B–1009]

#### 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 December 29, 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–1009, 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 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
<b>Unincorporated Areas of Lauderdale County, Alabama</b>					
Alabama .....	Unincorporated Areas of Lauderdale County.	Shoal Creek .....	BFE 520 is at a point of 1,435 feet upstream of the confluence of Shoal Creek and Indiancamp Creek.	None	+520
			BFE 558 is at a point of 27,805 feet upstream of the confluence of Shoal Creek and Butler Creek.	None	+558
Alabama .....	Unincorporated Areas of Lauderdale County.	Tennessee River (Navigation Channel).	BFE 432 is at a point of 5,270 feet upstream of the intersection of the Tennessee River and O'Neal Bridge.	+431	+432
			BFE 435 is at a point of 263 feet downstream of Wilson Dam.	+431	+435

\* 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**

**Unincorporated Areas of Lauderdale County**

Maps are available for inspection at 5100 Hwy 157 N, Florence, AL 35633.

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>Ben Hill County, Georgia, and Incorporated Areas</b>				
Turkey Creek .....	Just upstream of Industrial Drive .....	None	+315	Unincorporated Areas of Ben Hill County.
	Approximately 270 feet downstream of Cemetery Road.	None	+319	
	At Cemetery Road .....	None	+319	
	Approximately 1,520 feet downstream of Monitor Drive.	None	+327	
	Approximately 760 feet upstream of Sultana Drive .....	None	+341	Unincorporated Areas of Ben Hill County.
Turkey Creek Tributary No. 1	Approximately 1,150 feet upstream of Rochelle Road	None	+344	
	Approximately 950 feet downstream of W. Roanoke Drive.	None	+328	
	Approximately 480 feet downstream of W. Roanoke Drive.	None	+329	
Willacoochee River .....	Approximately 1,880 feet downstream of Irwinville Highway.	None	+324	Unincorporated Areas of Ben Hill County.
	Approximately 1,780 feet downstream of Irwinville Highway.	None	+324	
	Approximately 1,280 feet downstream of Irwinville Highway.	None	+325	
	Approximately 480 feet downstream of Irwinville Highway.	None	+326	

\* 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**

**Unincorporated Areas of Ben Hill County**

Maps are available for inspection at County Commissioners Office, 402-A East Pine Street, Fitzgerald, GA 31750.

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>Halifax County, Virginia, and Incorporated Areas</b>				
Reedy Creek .....	Approximately 1,400 feet downstream of Ash Avenue	None	+331	Unincorporated Areas of Halifax County.
Rocky Branch .....	At confluence with Dan River .....	None	+331	Unincorporated Areas of Halifax County.
	At confluence with Reedy Creek .....	None	+331	
	Approximately 0.4 mile upstream of Eastover Road ...	None	+346	

\* 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**

**Unincorporated Areas of Halifax County**

Maps are available for inspection at Halifax County GIS Department, 134 South Main, Halifax, VA 24558.

<b>Spokane County, Washington, and Incorporated Areas</b>				
Argonne Creek .....	Approximately 1,300 feet downstream of N Maringo Drive.	None	+1922	Unincorporated Areas of Spokane County.
Forker Draw .....	Approximately 600 feet upstream of N Boeing Road ..	None	+1987	Unincorporated Areas of Spokane County, City of Spokane Valley.
	Approximately at N Progress Road .....	None	+2065	
	Approximately 70 feet downstream of E Bigelow Gulch Road.	None	+2336	

\* 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 Spokane Valley**

Maps are available for inspection at 11707 E. Sprague Ave., Suite 106, Spokane Valley, WA 99206.

**Unincorporated Areas of Spokane County**

Maps are available for inspection at 808 W. Spokane Falls Blvd., Spokane, WA 99201.

(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. E8-22981 Filed 9-29-08; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**49 CFR Part 665**

[Docket No. FTA-2007-0011]

**RIN 2132-AA95**

**Bus Testing; Phase-In of Brake Performance and Emissions Testing, and Program Updates**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice of proposed rulemaking (NPRM) provides interested parties with the opportunity to comment on the Federal Transit Administration's (FTA's) proposed changes to its Bus Testing Regulation. The NPRM incorporates tests for brake performance and emissions into FTA's Bus Testing Program to comply with the Safe, Accountable, Flexible, Equitable Transportation Efficiency Act: a Legacy for Users (SAFETEA-LU). To improve the FTA Bus Testing Program, FTA is also proposing several updates that will enhance the Program's value and respond to changes in the transit bus industry. FTA seeks comments on the proposals in this notice.