

be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: September 15, 2008.

Laura Yoshii,

Acting Regional Administrator, Region IX.

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BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-B-1007]

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 24, 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-1007, 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:

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

Mohave County, Arizona, and Incorporated Areas

Williams Wash	Approximately 250 feet upstream of confluence High-land/Green Wash.	#2	+703	City of Bullhead City.
	Approximately 622 feet upstream of La Puerta Road	None	+1471	

* 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 Bullhead City**

Maps are available for inspection at 1255 Marina Blvd, Bullhead City, AZ 86442.

Brown County, Illinois, and Incorporated Areas

Illinois River	From the limit of flooding affecting community at river mile 71.3 in Pike County; 0.7 miles downstream of the Pike/Brown County Border at approximately State Hwy 104.	+447	+448	Unincorporated Areas of Brown County.
	To the Schuyler/Morgan County Border at river mile 83.8; approximately the mouth of the La Moine River.	+448	+450	

* 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 Brown County**

Maps are available for inspection at Brown County Courthouse, 200 West Court Street, Mt. Sterling, IL 62353.

Anderson County, Kentucky, and Incorporated Areas

Kentucky River	Anderson County and Franklin County corporate limits.	None	+509	Unincorporated Areas of Anderson County.
	Anderson County and Mercer County corporate limits.	None	+527	

* 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 Anderson County**

Maps are available for inspection at 139 Main Street, Lawrenceburg, KY 40342.

Henderson County, Kentucky, and Incorporated Areas

Canoe Creek	Just upstream US-41	None	+376	Unincorporated Areas of Henderson County, City of Henderson.
	At confluence with Elam Ditch	None	+383	
Elam Ditch	At confluence with Canoe Creek	None	+383	Unincorporated Areas of Henderson County.
	At Airline Road (KY-812)	None	+393	

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Elam Ditch Tributary 1	At confluence with Elam Ditch	None	+384	Unincorporated Areas of Henderson County.
	Approximately 1250 feet downstream Toy Anthoston Road (KY-2677).	None	+395	
Elam Ditch Tributary 2	At confluence with Elam Ditch	None	+384	Unincorporated Areas of Henderson County.
	Just downstream Airline Road (KY-812)	None	+395	
Elam Ditch Tributary 3	At confluence with Elam Ditch	None	+384	Unincorporated Areas of Henderson County.
	Just downstream Toy Anthoston	None	+389	
Kimsey Lane Left Tributary ...	At confluence with North Fork Canoe Creek	+387	+388	Unincorporated Areas of Henderson County, City of Henderson.
	Approximately 750 feet upstream Van Wyk Road	+387	+388	
Kimsey Lane Right Tributary	At confluence with North Fork Canoe Creek	+387	+388	Unincorporated Areas of Henderson County, City of Henderson.
	At Kinsey Lane (KY-6112)	+387	+388	
Middle Canoe Creek	At confluence with Sellers Ditch	+379	+382	Unincorporated Areas of Henderson County, City of Henderson.
	At confluence with Elam Ditch	+380	+382	
North Fork Canoe Creek	At confluence with Canoe Creek	+378	+382	Unincorporated Areas of Henderson County, City of Henderson.
	At approximately 4000 feet upstream Kimsey Lane (KY-6112).	+387	+389	
Sellers Ditch	At confluence with Canoe Creek	+377	+376	Unincorporated Areas of Henderson County.
	Approximately 200 feet upstream Old Madison Road	+379	+382	
Tiger Ditch (Formerly Highway 812 Tributary).	At confluence with North Fork Canoe Creek	+379	+382	Unincorporated Areas of Henderson County, City of Henderson.
	Approximately 150 feet downstream Zion Road	None	+391	
Tiger Ditch Tributary 1	At confluence with Tiger Ditch (Formerly Highway 812 Tributary).	None	+385	Unincorporated Areas of Henderson County, City of Henderson.
	Just downstream Adams Lane	None	+390	
Upper Canoe Creek	At confluence with Sellers Ditch	+379	+382	Unincorporated Areas of Henderson County.
	Approximately 3800 feet upstream confluence with East Fork Canoe Creek.	+382	+385	

* 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 Henderson

Maps are available for inspection at 222 First Street, Henderson, KY 42419.

Unincorporated Areas of Henderson County

Maps are available for inspection at 20 North Main Street, Henderson, KY 42420.

Jackson County, Michigan, and Incorporated Areas

Grand River	Upstream side of High Street	None	+935	City of Jackson, Township of Leoni, Township of Napoleon, Township of Summit.
	Approximately 1,400 feet upstream of Porbert Road ..	+941	+942	
Grand River	Downstream side of Maple Grove Road	None	+909	Township of Rivas.
	Approximate 0.5 mile upstream of Maple Grove Road	None	+910	
North Branch Grand River	At confluence with Grand River	None	+935	Township of Leoni.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
North Branch Kalamazoo River.	Downstream side of 5th Street Approximately 0.6 mile upstream of N. Main Street	None None	+936 +988	Township of Concord.
Vineyard Lake	Approximately 1 mile upstream of N. Main Street Entire shoreline of Vineyard Lake	None None	+988 +970	Township of Norvell, Township of Columbia.

* 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 Jackson

Maps are available for inspection at 161 W Michigan Avenue, Jackson, MI 49201.

Township of Columbia

Maps are available for inspection at 8500 Jefferson Road, Brooklyn, MI 49230.

Township of Concord

Maps are available for inspection at 402 South Main Street, Concord, MI 49237.

Township of Leoni

Maps are available for inspection at 913 Fifth Street, Michigan Center, MI 49254.

Township of Napoleon

Maps are available for inspection at 6755 Brooklyn Road, Napoleon, MI 49261.

Township of Norvell

Maps are available for inspection at 106 E Commercial Street, Norvell, MI 49263.

Township of Rivas

Maps are available for inspection at 106 Main Street, Jackson, MI 49201.

Township of Summit

Maps are available for inspection at 2121 Ferguson Road, Jackson, MI 49201.

Missoula County, Montana, and Incorporated Areas

Clarks Fork	Approximately 50 feet upstream of Reserve Street	+3160	+3157	Unincorporated Areas of Missoula County, City of Missoula.
La Valle Creek	Approximately 500 feet downstream of Russell Street	+3168	+3169	Unincorporated Areas of Missoula County.
	Approximately 150 feet upstream of the Frenchtown Irrigation District Ditch.	None	+3075	
	Just upstream of Dechamps Bridge	None	+3081	

* 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 Missoula

Maps are available for inspection at 435 Ryman St, Missoula, MT 59802.

Unincorporated Areas of Missoula County

Maps are available for inspection at 435 Ryman St, Missoula, MT 59802.

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

Dated: September 16, 2008.

Michael K. Buckley,

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

[FR Doc. E8-22523 Filed 9-24-08; 8:45 am]

BILLING CODE 9110-12-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[PS Docket No. 07-114; DA 08-2129]

Wireless E911 Location Accuracy Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission seeks comment on proposals in certain *ex parte* filings submitted by the Association of Public-Safety Communications Officials, International (APCO), the National Emergency Number Association (NENA), AT&T, Sprint Nextel Corporation, and Verizon Wireless regarding location accuracy requirements for wireless licensees subject to the Commission's rules that specify standards for wireless Enhanced 911 (E911) Phase II location accuracy and reliability.

DATES: Comments are due October 6, 2008 by 12 p.m. Reply Comments are due October 14, 2008 by 12 p.m.

ADDRESSES: All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com. In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to the Federal Communications Commission via e-mail to PRA@fcc.gov and to Nicholas A. Fraser, Office of Management and Budget, via e-mail to Nicholas.A.Fraser@omb.eop.gov or via fax at 202-395-5167.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Beers, Chief, Policy Division,

Public Safety and Homeland Security Bureau, at (202) 418-0952. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an e-mail to PRA@fcc.gov or contact Jerry Cowden at (202) 418-0447.

SUPPLEMENTARY INFORMATION: On November 20, 2007, the Commission released a Report and Order (*Location Accuracy Order*) requiring wireless licensees subject to section 20.18(h) of the Commission's rules, which specifies the standards for wireless Enhanced 911 (E911) Phase II location accuracy and reliability, to satisfy these standards at a geographical level defined by the coverage area of a Public Safety Answering Point (PSAP). On March 25, 2008, the United States Court of Appeals for the District of Columbia Circuit (Court) stayed the *Location Accuracy Order*.

On July 14, 2008, APCO and the National Emergency Number Association (NENA) filed an *ex parte* letter addressing handset-based and network-based location accuracy criteria, stating that they "are now willing to accept compliance measurements at the county level" rather than at the PSAP level, and that "[p]ublic safety and wireless carriers are in current discussions on a number of other issues associated with E9-1-1."

On July 31, 2008, the Commission filed with the Court a Motion for Voluntary Remand and Vacatur, which requested remand based on the proposals contained in the July 14 *ex parte* letter and "[i]n light of the public safety community's support for revised rules." Following this filing with the Court, NENA, APCO, Verizon Wireless, Sprint Nextel Corporation, and AT&T submitted written *ex parte* letters with the Commission with proposed new wireless E911 rules. Taken together, these proposals reflect agreement among those parties for new E911 accuracy requirements for both handset-based and network-based technologies, in order to achieve E911 accuracy compliance at the county-level. The parties also offer plans to convene industry groups to address related E911 issues, and AT&T included a proposal reflecting agreement on carrier provision of confidence and uncertainty data to PSAPs. Copies of all relevant *ex parte* submissions are included in the Attachment to this document.

We therefore seek comment on the proposed changed accuracy requirements, including the benchmarks, limitations, and exclusions noted therein, for handset-based and

network-based location technologies. We also invite views on the pledges to convene industry groups to explore related issues, and whether we should require the provision of confidence and uncertainty data. In sum, by this Public Notice, the Public Safety and Homeland Security Bureau seeks comment on all of these proposals as well as any alternative modifications to location accuracy requirements. The Bureau urges all interested parties to review the entirety of the above-referenced *ex parte* letters.

We also seek comment on the attached Initial Regulatory Flexibility Analysis in connection with the proposals described.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 CFR 0.191, 0.392.

This abbreviated comment cycle is appropriate given the compelling public interest in achieving accurate and reliable E911 location information.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking numbers. All filings concerning this Public Notice should refer to PS Docket No. 07-114. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Parties are strongly encouraged to