

**List of Subjects in 43 CFR Part 2300**

Administrative practice and procedure, electric power, Federal Energy Regulatory Commission, public lands-withdrawal.

Under the authorities cited below, part 2300, group 2300, subchapter B, chapter II of title 43 of the Code of Federal Regulations is proposed to be amended as follows:

**C. Stephen Allred,**

*Assistant Secretary of the Interior, Land and Minerals Management.*

**PART 2300—LAND WITHDRAWALS**

1. The authority citation for part 2300 continues to read as follows:

**Authority:** 43 U.S.C. 1201; 43 U.S.C. 1740; Executive Order No. 10355 (17 FR 4831, 4833).

**Subpart 2300—Withdrawals, General****§ 2300.0–1 [Amended]**

2. Section 2300.0–1 is amended by removing the last sentence in paragraph (a).

**Subpart 2310—Withdrawals, General—Procedure**

3. Section 2310.1 is amended by revising the introductory text of paragraph (a) to read as follows:

**§ 2310.1 Procedures—general.**

(a) The basic steps leading up to the making, modification, or extension of a withdrawal are:

\* \* \* \* \*

4. Section 2310.1–2 is amended by revising paragraphs (a), (c)(3), and (d) to read as follows:

**§ 2310.1–2 Submission of applications.**

(a) Applications for the making, modification, or extension of a withdrawal shall be submitted for filing, in duplicate, in the proper Bureau of Land Management office, as set forth in § 1821.2–1 of this chapter, except for applications that are classified for national security reasons. Applications that are classified for national security reasons shall be submitted, in duplicate, to the Office of the Secretary, Department of the Interior, Washington, DC 20240.

\* \* \* \* \*

(c) \* \* \*

(3) If the lands that are subject to an application are wholly or partially under the administration of any department or agency other than the Department of the Interior, the Secretary must make or modify a withdrawal only with the consent of the head of the department or agency concerned. In

such case, a copy of the written consent must accompany the application. The requirements of section (e) of Executive Order 10355 (17 FR 4831) must be complied with in those instances where the Order applies.

\* \* \* \* \*

(d) If the preceding application requirements have not been met, or if an application seeks an action that is not within the scope of the Secretary's authority, the authorized officer may reject the application as a defective application.

5. Section 2310.1–3 is amended by revising paragraph (c), removing paragraph (d), redesignating paragraph (e) as paragraph (d), and revising newly redesignated paragraph (d) to read as follows:

**§ 2310.1–3 Submission of withdrawal petitions.**

\* \* \* \* \*

(c) If a petition is submitted simultaneously with a withdrawal application, the information requirements pertaining to withdrawal applications (See § 2310.1–2) shall supersede the requirements of this section.

(d) Upon the approval by the Secretary of a petition for withdrawal, the petition will be considered as a Secretarial proposal for withdrawal, and notice of the withdrawal proposal shall be published immediately in the **Federal Register** in accordance with § 2310.3–1(a).

6. Section 2310.3, which consists solely of a heading, is revised to read as follows:

**§ 2310.3 Action on withdrawal applications and withdrawal proposals.**

7. Section 2310.3–1 is amended by revising the first sentence in paragraph (b)(1) to read as follows:

**§ 2310.3–1 Publication and public meeting requirements.**

\* \* \* \* \*

(b)(1) Except as otherwise provided in paragraph (a) of this section, within 30 days of the submission for filing of a withdrawal, extension, or modification application, the authorized officer must publish in the **Federal Register** a notice to that effect. \* \* \*

\* \* \* \* \*

8. Section 2310.3–3 is amended by revising paragraph (b)(2) to read as follows:

**§ 2310.3–3 Action by the Secretary: Public land orders and notices of denial.**

\* \* \* \* \*

(b) \* \* \*

(2) On the same day an order withdrawing 5,000 or more acres in the

aggregate is signed, the Secretary must advise each House of the Congress, in writing, of the withdrawal action taken. Under the Secretary's authority in the Act, the notices that are sent to Congress must be accompanied by the information required by section 204(c)(2) of the Act (43 U.S.C. 1714(c)(2)).

\* \* \* \* \*

9. Section 2310.3–4 is amended by removing paragraph (c), redesignating paragraph (d) as paragraph (c), and revising newly redesignated paragraph (c) to read as follows:

**§ 2310.3–4 Duration of withdrawals.**

\* \* \* \* \*

(c) Withdrawals of specific duration may be extended, as provided for in § 2310.4.

**§ 2310.5 [Removed]**

10. Section 2310.5 is removed.

[FR Doc. E8–23823 Filed 10–9–08; 8:45 am]

BILLING CODE 4310–84–P

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 67**

[Docket No. FEMA-B–1010]

**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 January 8, 2009.

**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-1010, 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:

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Colbert County, Alabama, and Incorporated Areas				
Pond Creek .....	At Wilson Dam Highway .....	+515	+514	City of Muscle Shoals, Colbert County.
	0.5 mile downstream of Pepi Drive .....	+516	+515	
Sink Hole 10 .....	South of 6th Street between Elledge Lane and Industrial Drive.	+495	+493	City of Muscle Shoals.
Sink Hole 10A .....	At Oak Villa Drive approximately 550 feet west of Elledge Lane.	+495	+494	City of Muscle Shoals.
Sink Hole 10B .....	Bordered by Oak Villa Lane to the south, Oak Villa Drive to the east and Cypress Street to the north.	+495	+494	City of Muscle Shoals.
Sink Hole 11 .....	North of 6th Street between Laurel Oak Drive and Brooke Drive.	+495	+498	City of Muscle Shoals.
Tennessee River .....	At the U.S. 72 crossing .....	None	+431	Colbert County.
	At the border of Lauderdale, Colbert, and Lawrence Counties.	None	+509	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

\*\* 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.

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

**ADDRESSES****City of Muscle Shoals**

Maps are available for inspection at 2010 East Avalon Avenue, Muscle Shoals, AL 35662.

**Colbert County**

Maps are available for inspection at 201 N. Main Street, Tuscumbia, AL 35674.

**Lewis & Clark County, Montana, and Incorporated Areas**

Silver Creek .....	Approximately 100 feet upstream of Interstate 15 .....	None	+3700	Unincorporated Areas of Lewis And Clark County.
	At Applegate Drive .....	+3764	+3765	
Tenmile Creek .....	Approximately 3000 feet upstream of East Sierra Road.	+3706	+3708	Unincorporated Areas of Lewis And Clark County, City of Helena.
	Approximately 50 feet downstream of Blue Cloud Bridge.	None	+4093	

\* 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 Helena**

Maps are available for inspection at 316 N. Park Ave., Helena, MT 59623.

**Unincorporated Areas of Lewis And Clark County**

Maps are available for inspection at 221 Breckenridge St., Helena, MT 59623.

**Merrick County, Nebraska, and Incorporated Areas**

Platte River .....	Approximately 0.50 mile downstream of Union Pacific Railroad.	None	+1685	Unincorporated Areas of Merrick County.
	Approximately 0.68 mile upstream of State Highway 14.	None	+1711	

\* 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 Merrick County**

Maps are available for inspection at 1510 18th Street, Central City, NE 68826.

**Ashe County, North Carolina, and Incorporated Areas**

Bear Creek .....	Approximately 600 feet upstream of the confluence with South Fork New River.	+2676	+2677	Unincorporated Areas of Ashe County.
Beaver Creek .....	Approximately 1.8 miles upstream of NC 16 Highway	None	+2826	Unincorporated Areas of Ashe County, Town of West Jefferson.
	Approximately 1,500 feet downstream of Mash Stuart Road (State Road 1199).	+2871	+2872	
Big Horse Creek .....	Approximately 350 feet upstream of Earl Ray Road (State Road 1144).	None	+3120	Unincorporated Areas of Ashe County, Town of Lansing.
	Approximately 550 feet upstream of the confluence with North Fork New River.	None	+2645	
	Approximately 0.6 mile upstream of Farmers Store Road (State Road 1360).	None	+3642	
Big Laurel Creek .....	At the confluence with North Fork New River .....	+2815	+2814	Unincorporated Areas of Ashe County.

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 40 feet downstream of Denny Road (State Road 1326).	None	+3232	
Big Windfall Branch .....	At the confluence with Big Horse Creek .....	None	+2707	Unincorporated Areas of Ashe County.
	Approximately 300 feet downstream of Big Windfall Road (State Road 1353).	None	+3039	
Brush Fork .....	Approximately 500 feet upstream of the confluence with North Fork New River.	None	+3029	Unincorporated Areas of Ashe County.
	Approximately 75 feet upstream of West Brushy Fork Road (State Road 1302).	None	+3155	
Buffalo Creek .....	At the second crossing of Warrensville Drive (State Road 1507).	None	+2687	Unincorporated Areas of Ashe County.
	Approximately 0.7 mile upstream of Perry Road .....	None	+3046	
Cabbage Creek .....	Approximately 100 feet upstream of the confluence with North Fork New River.	+2896	+2897	Unincorporated Areas of Ashe County.
	Approximately 360 feet upstream of Cabbage Creek Road (State Road 1307).	None	+2963	
Cabbage Creek Tributary .....	At the confluence with Cabbage Creek .....	None	+2942	Unincorporated Areas of Ashe County.
	Approximately 1,500 feet upstream of the confluence with Cabbage Creek.	None	+2959	
Call Creek .....	At the confluence with Old Field Creek .....	None	+2888	Unincorporated Areas of Ashe County.
	Approximately 200 feet downstream of East Mill Creek Road (State Road 1112).	None	+3055	
Cole Branch .....	Approximately 1.1 miles upstream of the confluence with Beaver Creek.	None	+3045	Town of West Jefferson.
	Approximately 1.2 miles upstream of the confluence with Beaver Creek.	None	+3071	
Cranberry Creek .....	Approximately 950 feet upstream of the confluence with South Fork New River.	None	+2565	Unincorporated Areas of Ashe County.
	Approximately 1.2 miles upstream of NC 88 Highway E.	None	+2743	
Cranberry Creek West .....	Approximately 630 feet upstream of the confluence with South Fork New River.	+2898	+2899	Unincorporated Areas of Ashe County.
	Approximately 1,000 feet upstream of Cranberry Springs Road (State Road 1100).	None	+3029	
East Fork .....	At the confluence with Pine Swamp Creek .....	None	+2910	Unincorporated Areas of Ashe County.
	Approximately 0.8 mile upstream of Idlewild Road (State Road 1003).	None	+3057	
Elk Creek (into South Fork New River).	Approximately 150 feet upstream of the confluence with South Fork New River.	None	+2955	Unincorporated Areas of Ashe County.
	Approximately 1.3 miles upstream of Preacher Blackburn Road (State Road 1117).	None	+3071	
Ezra Fork Creek .....	Approximately 1,560 feet upstream of U.S. Highway 221.	None	+2818	Unincorporated Areas of Ashe County.
	Approximately 0.5 mile upstream of U.S. 221 Highway.	None	+2838	
Fees Branch .....	At the confluence with Helton Creek .....	None	+2890	Unincorporated Areas of Ashe County.
	Approximately 500 feet upstream of Fees Branch Road (State Road 1372).	None	+2948	
Gap Creek .....	Approximately 1,700 feet upstream of the confluence with South Fork New River.	+2862	+2863	Unincorporated Areas of Ashe County.
	The Ashe/Watauga County boundary .....	None	+2952	
Grassy Creek .....	At the confluence with New River .....	None	+2483	Unincorporated Areas of Ashe County.
	Approximately 1.1 miles upstream of Old NC 16 Highway (State Road 1573).	None	+2679	
Greer Branch .....	At the confluence with South Fork Little Horse Creek	None	+2905	Unincorporated Areas of Ashe County.
	Approximately 0.6 mile upstream of Greer Hollow Road (State Road 1333).	None	+3037	
Helton Creek .....	Approximately 1,200 feet upstream of the confluence with North Fork New River.	None	+2556	Unincorporated Areas of Ashe County.
	Approximately 0.9 mile upstream of Fees Branch Road (State Road 1372).	None	+2962	

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Helton Creek Tributary 1 .....	At the confluence with Helton Creek .....	None	+2777	Unincorporated Areas of Ashe County.
	Approximately 0.5 mile upstream of the confluence of Helton Creek Tributary 1A.	None	+2864	
Helton Creek Tributary 1A ....	At the confluence with Helton Creek Tributary 1 .....	None	+2816	Unincorporated Areas of Ashe County.
	Approximately 1,320 feet upstream of Spencer Branch Road (State Road 1373).	None	+2848	
Jerd Branch .....	At the confluence with Helton Creek .....	None	+2805	Unincorporated Areas of Ashe County.
	Approximately 1,093 feet upstream of NC Highway 194.	None	+2884	
Jones Branch .....	At the confluence with Little Helton Creek .....	None	+2723	Unincorporated Areas of Ashe County.
	At the Virginia/North Carolina state boundary .....	None	+2758	
Little Buffalo Creek .....	At the confluence with Buffalo Creek .....	None	+2782	Unincorporated Areas of Ashe County, Town of West Jefferson.
	Approximately 0.8 mile upstream of the confluence with Buffalo Creek.	None	+2981	
Little Buffalo Creek Tributary 1.	At the confluence with Little Buffalo Creek .....	None	+2921	Unincorporated Areas of Ashe County, Town of West Jefferson.
	Approximately 170 feet downstream of South Main Street.	None	+2968	
Little Helton Creek .....	At the confluence with Helton Creek .....	None	+2636	Unincorporated Areas of Ashe County.
	Approximately 200 feet upstream of the Virginia/North Carolina state boundary.	None	+2757	
Little Helton Creek Tributary 1.	At the confluence with Little Helton Creek .....	None	+2691	Unincorporated Areas of Ashe County.
	Approximately 0.6 mile upstream of the confluence with Little Helton Creek.	None	+2750	
Little Helton Creek Tributary 2.	At the confluence with Little Helton Creek .....	None	+2751	Unincorporated Areas of Ashe County.
	Approximately 0.4 mile upstream of the confluence with Little Helton Creek.	None	+2798	
Little Horse Creek .....	At the confluence with Big Horse Creek .....	None	+2665	Unincorporated Areas of Ashe County.
	Approximately 1.1 miles upstream of Little Horse Creek Road (State Road 1324).	None	+3033	
Little Laurel Creek .....	At the confluence with Big Laurel Creek .....	None	+2843	Unincorporated Areas of Ashe County.
	Approximately 880 feet upstream of Little Laurel Road (State Road 1310).	None	+3323	
Little Naked Creek .....	At the confluence with Naked Creek .....	+2685	+2686	Unincorporated Areas of Ashe County.
	Approximately 1,490 feet upstream of East Landing Drive.	None	+2712	
Little Peak Creek .....	At the confluence with Peak Creek .....	None	+2608	Unincorporated Areas of Ashe County.
	Approximately 0.5 mile upstream of Little Peak Creek Road.	None	+2690	
Little Phoenix Creek .....	Approximately 250 feet upstream of the confluence with North Fork New River.	None	+2604	Unincorporated Areas of Ashe County.
	Approximately 0.9 mile upstream of the confluence of Little Phoenix Creek Tributary.	None	+2836	
Little Phoenix Creek Tributary.	At the confluence with Little Phoenix Creek .....	None	+2727	Unincorporated Areas of Ashe County.
	Approximately 0.4 mile upstream of Old NC Highway 16 (State Road 1573).	None	+2871	
Little Piney Creek .....	At the confluence with Piney Creek .....	None	+2634	Unincorporated Areas of Ashe County.
	Approximately 1,210 feet upstream of Piney Creek Road (State Road 1517).	None	+2679	
Long Branch .....	At the confluence with Little Helton Creek .....	None	+2643	Unincorporated Areas of Ashe County.
	Approximately 0.4 mile upstream of Jim Duvall Road (State Road 1528).	None	+2715	

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
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Long Branch South .....	At the confluence with North Fork New River .....	+2575	+2577	Unincorporated Areas of Ashe County.
	Approximately 500 feet upstream of Shatley Springs Road (State Road 1574).	None	+2648	
Middle Fork Little Horse Creek.	At the confluence with Little Horse Creek .....	None	+2936	Unincorporated Areas of Ashe County.
	Approximately 0.9 mile upstream of East Big Springs Road (State Road 1319).	None	+3082	
Middle Fork Little Horse Creek Tributary.	At the confluence with Middle Fork Little Horse Creek	None	+2995	Unincorporated Areas of Ashe County.
	Approximately 0.4 mile upstream of the confluence with Middle Fork Little Horse Creek.	None	+3049	
Mill Creek .....	Approximately 300 feet upstream of the confluence with North Fork New River.	None	+2738	Unincorporated Areas of Ashe County.
	Approximately 1.7 miles upstream of West Mill Creek Road (State Road 1340).	None	+2935	
Mill Creek (South) .....	Approximately 450 feet upstream of the confluence with South Fork New River.	None	+2906	Unincorporated Areas of Ashe County.
	Approximately 365 feet upstream of Mill Creek Road (State Road 1109).	None	+3051	
Naked Creek .....	Approximately 0.5 mile upstream of the confluence with South Fork New River.	+2666	+2665	Unincorporated Areas of Ashe County, Town of Jefferson.
	Approximately 400 feet upstream of South Main Street.	None	+2920	
Naked Creek Tributary 2 .....	At the confluence with Naked Creek .....	None	+2908	Town of Jefferson.
	Approximately 1,190 feet upstream of West Main Street.	None	+2940	
Nathans Creek .....	Approximately 250 feet upstream of the confluence with South Fork New River.	None	+2579	Unincorporated Areas of Ashe County.
	Approximately 550 feet upstream of U.S. 221 Highway.	None	+2718	
New River .....	Approximately 500 feet downstream of the Ashe/Alleghany County boundary.	None	+2480	Unincorporated Areas of Ashe County.
	At the confluence of the North Fork New River and South Fork New River.	None	+2487	
North Fork New River .....	At the confluence with New River and South Fork New River.	None	+2487	Unincorporated Areas of Ashe County.
	Approximately 50 feet downstream of West Peak Road (State Road 1119).	+3021	+3023	
North Fork New River Tributary 1.	At the confluence with North Fork New River .....	+2506	+2503	Unincorporated Areas of Ashe County.
	Approximately 0.4 mile upstream of the confluence with North Fork New River.	None	+2557	
Obids Creek .....	Approximately 350 feet upstream of the confluence with South Fork New River.	None	+2718	Unincorporated Areas of Ashe County.
	Approximately 250 feet upstream of Idlewild Road (State Road 1003).	None	+2874	
Old Field Branch .....	At the confluence with Big Horse Creek .....	None	+2660	Unincorporated Areas of Ashe County, Town of Lansing.
	Approximately 0.5 mile upstream of Glenn King Road (State Road 1519).	None	+2853	
Old Field Creek .....	Approximately 1,400 feet upstream of the confluence with South Fork New River.	None	+2874	Unincorporated Areas of Ashe County.
	Approximately 0.7 mile upstream of Mulatto Mountain Road (State Road 1145).	None	+3048	
Old Field Creek (North) .....	Approximately 300 feet upstream of the confluence with North Fork New River.	+2565	+2566	Unincorporated Areas of Ashe County.
	Approximately 0.5 mile upstream of the confluence with North Fork New River.	None	+2693	
Peak Creek .....	Approximately 1,500 feet upstream of the confluence with South Fork New River.	None	+2604	Unincorporated Areas of Ashe County.
	Approximately 1.2 miles upstream of NC Highway 88	None	+2866	
Pine Swamp Creek .....	Approximately 850 feet upstream of the confluence with South Fork New River.	None	+2837	Unincorporated Areas of Ashe County.
	Approximately 0.7 mile upstream of Idlewild Road (State Road 1003).	None	+3010	

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Piney Creek .....	Approximately 250 feet upstream of the confluence with North Fork New River.	+2625	+2624	Unincorporated Areas of Ashe County.
	Approximately 150 feet upstream of Piney Creek Road (State Road 1517).	None	+2685	
Rich Hill Creek .....	At the confluence with North Fork New River .....	+2800	+2799	Unincorporated Areas of Ashe County.
Roan Creek .....	Approximately 1.1 miles upstream of NC Highway 88	None	+2920	Unincorporated Areas of Ashe County.
	Approximately 650 feet upstream of the confluence with South Fork New River.	None	+2666	
	Approximately 340 feet upstream of Earl Sheets Road (State Road 1625).	None	+2919	
Roaring Fork .....	At the confluence with Big Laurel Creek .....	None	+2917	Unincorporated Areas of Ashe County.
	Approximately 0.4 mile upstream of Roaring Fork Road (State Road 1320).	None	+3078	
Rock Creek .....	Approximately 120 feet upstream of NC Highway 88 ..	None	+2942	Unincorporated Areas of Ashe County.
Shippy Branch .....	Approximately 1.4 miles upstream of NC 88 Highway	None	+3125	Unincorporated Areas of Ashe County.
	At the confluence with Little Helton Creek .....	None	+2730	
Silas Creek .....	At the Virginia/North Carolina state boundary .....	None	+2774	Unincorporated Areas of Ashe County.
	At the confluence with North Fork New River .....	+2580	+2583	
	Approximately 1.0 mile upstream of the confluence of Silas Creek Tributary 2.	None	+2795	
Silas Creek Tributary 1 .....	At the confluence with Silas Creek .....	None	+2691	Unincorporated Areas of Ashe County.
	Approximately 1,376 feet upstream of the confluence with Silas Creek.	None	+2782	
Silas Creek Tributary 2 .....	At the confluence with Silas Creek .....	None	+2709	Unincorporated Areas of Ashe County.
	Approximately 1,516 feet upstream of the confluence with Silas Creek.	None	+2805	
South Beaver Creek .....	Approximately 400 feet upstream of the confluence with Beaver Creek.	None	+2792	Unincorporated Areas of Ashe County.
	Approximately 1,800 feet upstream of Lakeside Drive	None	+2941	Unincorporated Areas of Ashe County.
South Fork Little Horse Creek.	At the confluence with Little Horse Creek .....	None	+2769	
	Approximately 785 feet upstream of Jack Jones Road (State Road 1332).	None	+2933	
South Fork New River .....	At the confluence with New River and North Fork New River.	None	+2487	Unincorporated Areas of Ashe County.
	Approximately 2.3 miles upstream of Kings Creek Road (State Road 1308).	+2525	+2524	
South Fork New River Tributary 3.	Approximately 350 feet upstream of the confluence with South Fork New River.	None	+2685	Unincorporated Areas of Ashe County.
	Approximately 1,200 feet upstream of Claude Mash Road (State Road 1158).	None	+2844	
South Fork New River Tributary 4.	Approximately 400 feet upstream of the confluence with South Fork New River.	None	+2815	Unincorporated Areas of Ashe County.
	Approximately 0.8 mile upstream of Lower Nettle Knob Road (State Road 1181).	None	+2894	
Stagg Creek .....	Approximately 350 feet upstream of the confluence with North Fork New River.	None	+2702	Unincorporated Areas of Ashe County.
	Approximately 1.4 miles upstream of Staggs Creek Road (State Road 1342).	None	+2861	
Three Top Creek .....	At the confluence with North Fork New River .....	+2857	+2858	Unincorporated Areas of Ashe County.
	Approximately 1,830 feet upstream of Bald Fork Road	None	+3273	Unincorporated Areas of Ashe County.
West Fork .....	At the confluence with Pine Swamp Creek .....	None	+2862	
	Approximately 990 feet upstream of Creekside Drive	None	+3124	

\* 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.

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

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

##### Town of Jefferson

Maps are available for inspection at Jefferson Town Hall, 302 East Main Street, Jefferson, NC.

##### Town of Lansing

Maps are available for inspection at Lansing Town Hall, 173 B Street, Lansing, NC.

##### Town of West Jefferson

Maps are available for inspection at West Jefferson Town Hall, 01 South Jefferson Avenue, West Jefferson, NC.

##### Unincorporated Areas of Ashe County

Maps are available for inspection at Ashe County Building Inspector's Office, 150 Government Circle, Suite 2400, Jefferson, NC.

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

Buckhorn Creek .....	At the confluence with Chowan River .....	None	+12	Town of Como, Unincorporated Areas of Hertford County.
	Approximately 1.1 miles upstream of Buckhorn Church Road (State Road 1316).	None	+59	
Chinkapin Swamp .....	At the confluence with Barbeque Swamp and Chinkapin Creek.	None	+13	Unincorporated Areas of Hertford County.
	Approximately 0.9 mile upstream of the confluence with Chinkapin Creek and Barbeque Swamp.	None	+16	

\* 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

##### Town of Como

Maps are available for inspection at Como Town Clerk's Residence, 633 Woodland Drive, Murfreesboro, NC.

##### Unincorporated Areas of Hertford County

Maps are available for inspection at Hertford County Planning Department, 704 North King Street, Winton, NC.

#### Yakima County, Washington, and Incorporated Areas

Naches River .....	Approximately 300 feet downstream of I-82 .....	None	+1185	Unincorporated Areas of Yakima County, City of Yakima, Town of Naches, Town of Selah.
	Approximately .74 miles upstream of Hwy 12 .....	None	+1632	
Naches River Split Flow A ....	Approximately at Pence Road .....	None	+1170	Unincorporated Areas of Yakima County.
	Approximately .57 miles upstream of Cypress Road ...	+1192	+1241	

\* 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 Yakima

Maps are available for inspection at 129 N. 2nd St., Yakima, WA 98901.

##### Town of Naches

Maps are available for inspection at 29 E. Second Street, Naches, WA 98937.

##### Town of Selah

Maps are available for inspection at 115 W. Naches Ave., Selah, WA 98942.

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

**Unincorporated Areas of Yakima County**

Maps are available for inspection at 128 N. 2nd St., Yakima, WA 98901.

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

Dated: September 29, 2008.

**Michael K. Buckley,**

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

[FR Doc. E8-24089 Filed 10-9-08; 8:45 am]

BILLING CODE 9110-12-P

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 514, 552, and 553

[GSAR Case 2008-G505; Docket 2008-0007; Sequence 20]

RIN 3090-AI73

### General Services Acquisition Regulation; GSAR Case 2008-G505; Rewrite of GSAR Part 514, Sealed Bidding

**AGENCY:** Office of the Chief Acquisition Officer, General Services Administration (GSA).

**ACTION:** Proposed rule.

**SUMMARY:** The GSA is proposing to amend the General Services Acquisition Regulation (GSAR) to revise the GSAR language regarding requirements for sealed bidding.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat on or before December 9, 2008 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by GSAR Case 2008-G505 by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting "GSAR Case 2008-G505" under the heading "Comment or Submission". Select the link "Send a Comment or Submission" that corresponds with GSAR Case 2008-G505. Follow the instructions provided to complete the "Public Comment and Submission Form". Please include your name, company name (if any), and "GSAR Case 2008-G505" on your attached document.

- Fax: 202-501-4067.

• Mail: General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW, Room 4041, ATTN: Laurieann Duarte, Washington, DC 20405.

*Instructions:* Please submit comments only and cite GSAR Case 2008-G505 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Mr. Michael O. Jackson at (202) 208-4949, or by e-mail at [michaelo.jackson@gsa.gov](mailto:michaelo.jackson@gsa.gov). For information pertaining to the status or publication schedules, contact the Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC 20405, (202) 501-4755. Please cite GSAR Case 2008-G505.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The GSA is amending the GSAR to revise sections of GSAR Part 514 that provide requirements for sealed bidding. This amendment is a result of the GSA Acquisition Manual (GSAM) rewrite initiative undertaken by GSA to revise the GSAM to maintain consistency with the Federal Acquisition Regulation (FAR) and to implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can utilize when entering into and administering contractual relationships. The GSAM incorporates the GSAR as well as internal agency acquisition policy.

The GSA will rewrite each part of the GSAR and GSAM, and as each GSAR part is rewritten, will publish it in the **Federal Register**.

This rule covers the rewrite of GSAR Part 514. The specific changes are as follows:

- **501.106 OMB Approval under the Paperwork Reduction Act.**
  - Added Control Number 3090-0163 as a cross reference for 514.201-1.
- **514.201-2 Part I—The Schedule.**

◦ Changed (a) from "When you" to "When using." Also in (a) changed "which" to "that" and added the FAR clause number for Prompt Payment.

◦ Changed (b) from "When you use" to "When using" to clarify the reference to "you" and added a reference to the Standard Form 1449 as an example that this form can also be used.

- **514.201-6 Solicitation provisions.**

◦ Changed "When you" to "When considering" to delete the reference to the word "you".

◦ Deleted the reference for Alternate I because it is not consistent with the intention of the basic clause.

- **514.201-7 Contract clauses.**

◦ In the old paragraph (a) changed "you" to "The contracting officer".

◦ Deleted paragraph (b), Examination of Records. The clause does not provide basic audit rights that are in addition to the FAR clauses at 52.215-2, Audit and Records-Negotiation and 52.214-26, Audit and Records — Sealed Bidding. And as opposed to the GSA clause, the FAR clause is specific to sealed bids. Further, the GSA clause grants to the agency rights to audit subcontractors that are in excess of those granted by the FAR and the statute.

- **514.202-4 Bid samples.**

◦ Renamed subparagraphs (a) and (b) to be more consistent with the FAR.

Also in (a) and (b) restructured the language to remove the word "you" and replaced with contracting officer.

◦ Clarified the language to state who must take physical custody of bid samples.

◦ Deleted paragraph (c) because it is redundant with FAR 14.202-4(d).

◦ Added a new 514.202-5, Descriptive Literature, in order to address the requirements of FAR 14.202-5(c).

- **514.203 Methods of soliciting bids.**

◦ Removed because we are not using paper copies and to be consistent with the FAR.

- **514.203-1 Transmittal to prospective bidders.**

◦ Removed because we are not using paper copies and to be consistent with the FAR.

- **514.270-2 Justification for use.**

◦ Inserted "the contracting officer should" in paragraph b and made last sentence of (3) a new number (4) and