

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

Dated: July 14, 2008.

**David I. Maurstad,**

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

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BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-B-7795]

#### 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 October 21, 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-7795, 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 Siskiyou County, California</b>					
California .....	Unincorporated Areas of Siskiyou County.	Panther Creek (shallow flooding).	Approximately 1,200 feet southwest of the intersection of Squaw Valley Road and Highway 89. Flood extends west towards Modoc Avenue.	None	#2
California .....	Unincorporated Areas of Siskiyou County.	Panther Creek Overflow (shallow flooding).	Immediately south of and adjacent to Highway 89, starting near the intersection of Squaw Valley Road and Highway 89. Flooding encompasses portions of both sides of Squaw Valley Road for a southerly distance of approximately 3,000 feet.	None	#2

\* 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 Siskiyou County**

Maps are available for inspection at the Siskiyou County Public Works Department, 305 Butte Street, Yreka, CA.

**Ashland County, Ohio**

Ohio .....	Ashland County .....	Lang Creek .....	Approximately 200 feet upstream of eastern corporate limit of the City of Ashland.	None	+983
Ohio .....	Ashland County .....	Town Run .....	At Orange Street .....	None	+990
			Approximately 410 feet downstream of Brookside Golf Course Drive.	None	+1126
			At Brookside Golf Course Drive .....	None	+1144

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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**ADDRESSES**

**Ashland County**

Maps are available for inspection at 110 Cottage Street, Ashland, OH 44805.

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

**Alameda County, California, and Incorporated Areas**

Castro Valley Creek (Line I)	Approximately 800 feet downstream of North 4th Street.	+124	+125	Unincorporated Areas of Alameda County, City of Hayward.
Castro Valley Creek (Line J).	Upstream side of Pine Street .....	+167	+168	Unincorporated Areas of Alameda County.
	At the confluence with Castro Valley Creek .....	+165	+164	
Chabot Creek (Line G) .....	Approximately 70 feet upstream of Seaview Avenue.	None	+332	Unincorporated Areas of Alameda County, City of Hayward.
	Approximately 0.5 mile downstream of Grove Way	None	+110	
	Approximately 700 feet upstream of Wisteria Street	+173	+172	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Shallow Flooding .....	Between Pine Street and Castro Valley Boulevard	+168	+169	Unincorporated Areas of Alameda County.

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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**ADDRESSES**

**City of Hayward**

Maps are available for inspection at City of Hayward Engineering and Transportation Division, 777 B Street, Hayward, CA.

**Unincorporated Areas of Alameda County**

Maps are available for inspection at Alameda County Public Works Agency, 399 Elmhurst Street, Hayward, CA.

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

Beaverdam Creek (into French Broad River) Tributary 1.	Approximately 900 feet upstream of Hillcrest Road	None	+2107	Town of Woodfin, Unincorporated Areas of Buncombe County.
	Approximately 340 feet upstream of Baird Cove Road (State Road 2088).	None	+2348	
Sweeten Creek Tributary 4	At the confluence with Sweeten Creek .....	+2082	+2078	Unincorporated Areas of Buncombe County, City of Asheville.
	Approximately 1,150 feet upstream of West Chapel Road.	+2150	+2139	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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**ADDRESSES**

**City of Asheville**

Maps are available for inspection at Asheville City Hall, 70 Court Plaza, Asheville, NC.

**Town of Woodfin**

Maps are available for inspection at Woodfin Town Hall, 90 Elk Mountain Road, Woodfin, NC.

**Unincorporated Areas of Buncombe County**

Maps are available for inspection at Buncombe County Planning Department, 46 Valley Street, Asheville, NC.

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

Ararat River .....	At the confluence with Yadkin River .....	None	+803	Unincorporated Areas of Surry County, City of Mount Airy.
	Approximately 1,500 feet upstream of Riverside Drive (State Road 104).	None	+1194	
Ararat River Tributary 1 .....	At the confluence with Ararat River .....	None	+810	Unincorporated Areas of Surry County.
	Approximately 0.5 mile upstream of the confluence with Ararat River.	None	+870	
Ararat River Tributary 2 .....	At the confluence with Ararat River .....	None	+813	Unincorporated Areas of Surry County.
	Approximately 0.4 mile upstream of John Scott Road (State Road 2079).	None	+842	
Ararat River Tributary 3 .....	At the confluence with Ararat River .....	None	+818	Unincorporated Areas of Surry County.
	Approximately 0.6 mile upstream of Reeves Road (State Road 2083).	None	+856	
Ararat River Tributary 4 .....	At the confluence with Ararat River .....	None	+818	Unincorporated Areas of Surry County.
	Approximately 1.2 miles upstream of Pilot Church Road (State Road 2057).	None	+913	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Ararat River Tributary 5 .....	At the confluence with Ararat River .....	None	+825	Unincorporated Areas of Surry County.
	Approximately 0.6 mile upstream of the confluence with Ararat River.	None	+900	
Ararat River Tributary 6 .....	At the confluence with Ararat River .....	None	+841	Unincorporated Areas of Surry County.
	Approximately 20 feet upstream of Nichols Road (State Road 2105).	None	+872	
Ararat River Tributary 6A ....	At the confluence with Ararat River Tributary 6 .....	None	+862	Unincorporated Areas of Surry County.
	Approximately 530 feet upstream of the confluence with Ararat River Tributary 6.	None	+869	
Ararat River Tributary 7 .....	At the confluence with Ararat River .....	None	+867	Unincorporated Areas of Surry County.
	Approximately 0.4 mile upstream of the confluence with Ararat River.	None	+884	
Ararat River Tributary 8 .....	At the downstream side of Riverside Drive .....	+1036	+1037	City of Mount Airy.
	Approximately 130 feet downstream of Springs Road.	None	+1135	
Ararat River Tributary 9 .....	At the confluence with Ararat River .....	+1088	+1089	Unincorporated Areas of Surry County.
	Approximately 0.9 mile upstream of the confluence with Ararat River.	None	+1135	
Bear Creek .....	At the confluence with Fisher River .....	None	+886	Unincorporated Areas of Surry County.
	Approximately 1.5 miles upstream of the confluence with Fisher River.	None	+940	
Beaver Creek .....	At the confluence with Fisher River .....	None	+955	Unincorporated Areas of Surry County.
	Approximately 1.0 mile upstream of Simpson Mill Road (State Road 2200).	None	+1046	
Beaverdam Creek .....	At the confluence with Little Fisher River .....	None	+1078	Unincorporated Areas of Surry County.
	Approximately 1.2 miles upstream of the confluence with Hatchers Creek.	None	+1130	
Benson Creek .....	At the upstream side of Sparger Road .....	None	+1068	Unincorporated Areas of Surry County.
	Approximately 0.9 mile upstream of Sparger Road	None	+1109	
Brendle Branch .....	At the confluence with Camp Creek .....	None	+944	Unincorporated Areas of Surry County.
	Approximately 0.9 mile of Interstate 77 .....	None	+1000	
Brushy Fork .....	Approximately 700 feet upstream of the confluence with Pauls Creek.	+1119	+1118	Unincorporated Areas of Surry County, City of Mount Airy.
	Approximately 0.5 mile upstream of White Pines Country Club Road (State Road 1627).	None	+1175	
Brushy Fork Tributary 1 .....	At the confluence with Brushy Fork .....	None	+1130	Unincorporated Areas of Surry County.
	Approximately 0.6 mile upstream of the confluence with Brushy Fork.	None	+1171	
Bull Creek .....	At the confluence with Ararat River .....	None	+875	Unincorporated Areas of Surry County.
	Approximately 1.0 mile upstream of Ararat Road (State Road 2019).	None	+1024	
Butler Creek .....	At the confluence with Mitchell River .....	None	+1248	Unincorporated Areas of Surry County.
	Approximately 210 feet upstream of Luffman Road	None	+1279	
Caddle Creek .....	At the confluence with Ararat River .....	None	+940	Unincorporated Areas of Surry County.
	Approximately 0.6 mile upstream of Siloam Road (State Road 1003).	None	+1018	
Camp Branch .....	At the confluence with Fisher River .....	None	+1251	Unincorporated Areas of Surry County.
	Approximately 200 feet upstream of West Pine Street.	None	+1274	
Camp Creek .....	At the confluence with Mitchell River .....	None	+914	Unincorporated Areas of Surry County, Town of Elkin.
	Approximately 0.8 mile upstream of I-77 Highway	None	+978	
Candiff Creek .....	At the confluence with Yadkin River .....	None	+811	Unincorporated Areas of Surry 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	
Candiff Creek Tributary 1 ...	Approximately 1,690 feet upstream of the confluence with Candiff Creek Tributary 2.	None	+894	Unincorporated Areas of Surry County.
	At the confluence with Candiff Creek .....	None	+811	
Candiff Creek Tributary 2 ...	Approximately 1,260 feet upstream of River Siloam Road (State Road 2230).	None	+857	Unincorporated Areas of Surry County.
	At the confluence with Candiff Creek .....	None	+875	
Champ Creek .....	Approximately 0.7 mile upstream of the confluence with Candiff Creek.	None	+923	City of Mount Airy.
	Approximately 450 feet upstream of Slate Road .....	None	+1040	
Chinquapin Creek .....	Approximately 700 feet upstream of McBride Road	None	+1065	Unincorporated Areas of Surry County, Town of Pilot Mountain.
	At the confluence with Toms Creek .....	None	+957	
Cody Creek .....	Approximately 0.8 mile upstream of Old Westfield Road (State Road 1809).	None	+982	Unincorporated Areas of Surry County.
	At the confluence with Fisher River .....	None	+904	
Cooks Creek .....	Approximately 1.7 miles upstream of NC 268 Highway.	None	+1021	Unincorporated Areas of Surry County.
	At the confluence with Fisher River .....	None	+1025	
Davenport Creek .....	Approximately 0.4 mile upstream of White Buffalo Road (State Road 1353).	None	+1084	Unincorporated Areas of Surry County.
	At the confluence with Fisher River .....	None	+850	
Dunagan Creek .....	Approximately 0.6 mile upstream of the confluence with Fisher River.	None	+898	Unincorporated Areas of Surry County.
	At the confluence with Fisher River .....	None	+873	
Dutchmans Creek .....	Approximately 0.4 mile upstream of Buck Fork Road (State Road 2233).	None	+901	Town of Elkin.
	At the confluence with Yadkin River .....	None	+896	
East Double Creek .....	Approximately 0.6 mile upstream of the confluence with Yadkin River.	None	+898	Unincorporated Areas of Surry County.
	At the confluence with Yadkin River .....	None	+822	
East Double Creek Tributary 1.	Approximately 0.7 mile upstream of Rome Snow Road (State Road 2229).	None	+941	Unincorporated Areas of Surry County.
	At the confluence with East Double Creek .....	None	+874	
Elkin Creek .....	Approximately 0.7 mile upstream of the confluence with East Double Creek.	None	+939	Town of Elkin.
	Approximately 50 feet upstream of Dam .....	+902	+901	
Faulkner Creek .....	Approximately 0.8 mile upstream of CC Camp Road.	None	+945	Unincorporated Areas of Surry County, City of Mount Airy.
	Approximately 0.5 mile upstream of the confluence with Ararat River.	None	+1007	
Faulkner Creek Tributary 1	Approximately 1.1 miles upstream of Quaker Road (State Road 1742).	None	+1194	Unincorporated Areas of Surry County.
	At the confluence with Faulkner Creek .....	None	+1035	
Fisher River .....	Approximately 0.5 mile upstream of the confluence with Faulkner Creek.	None	+1059	Unincorporated Areas of Surry County, Town of Dobson.
	At the confluence with Yadkin River .....	None	+847	
Fisher River Tributary 1 .....	Approximately 1.1 miles upstream of Lumber Plant Road (State Road 1600).	None	+2009	Unincorporated Areas of Surry County.
	At the confluence with Fisher River .....	None	+915	
Fisher River Tributary 1A ...	Approximately 0.7 mile upstream of Rockford Road	None	+974	Unincorporated Areas of Surry County.
	At the confluence with Fisher River Tributary 1 .....	None	+940	
Fisher River Tributary 2 .....	Approximately 0.8 mile upstream of the confluence with Fisher River Tributary 1.	None	+1098	Unincorporated Areas of Surry County.
	At the confluence with Fisher River .....	None	+964	

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 1,420 feet downstream of Turkey Ford Church Road.	None	+1028	
Fisher River Tributary 3 .....	At the confluence with Fisher River .....	None	+978	Unincorporated Areas of Surry County.
	Approximately 0.8 mile upstream of the confluence with Fisher River.	None	+1010	
Fisher River Tributary 4 .....	At the confluence with Fisher River .....	None	+1026	Unincorporated Areas of Surry County.
	Approximately 0.8 mile upstream of the confluence with Fisher River.	None	+1109	
Fisher River Tributary 5 .....	At the confluence with Fisher River .....	None	+1074	Unincorporated Areas of Surry County, Town of Dobson.
	Approximately 820 feet upstream of Tobe Hudson Road (State Road 1342).	None	+1086	
Flat Branch .....	At the confluence with South Fork Mitchell River ...	None	+1108	Unincorporated Areas of Surry County.
	Approximately 0.7 mile upstream of the confluence with South Fork Mitchell River.	None	+1156	
Flat Shoal Creek .....	At the confluence with Ararat River .....	None	+900	Unincorporated Areas of Surry County.
	Approximately 490 feet upstream of Simmons Road (State Road 1827).	None	+1071	
Flat Shoal Creek Tributary 1.	At the confluence with Flat Shoal Creek .....	None	+990	Unincorporated Areas of Surry County.
	Approximately 0.5 mile upstream of Willow Shade Lane.	None	+1033	
Grassy Creek .....	At the confluence with Yadkin River .....	None	+762	Unincorporated Areas of Surry County.
	Approximately 0.7 mile upstream of Pilot Knob Park Road (State Road 2053).	None	+1027	
Grassy Creek Tributary 1 ...	At the confluence with Grassy Creek .....	None	+792	Unincorporated Areas of Surry County.
	Approximately 0.5 mile upstream of the confluence with Grassy Creek.	None	+824	
Grassy Creek Tributary 2 ...	At the confluence with Grassy Creek .....	None	+797	Unincorporated Areas of Surry County.
	Approximately 1.2 miles upstream of the confluence with Grassy Creek.	None	+905	
Grassy Creek Tributary 3 ...	At the confluence with Grassy Creek .....	None	+804	Unincorporated Areas of Surry County.
	Approximately 1.0 mile upstream of the confluence with Grassy Creek.	None	+892	
Grassy Creek Tributary 4 ...	At the confluence with Grassy Creek .....	None	+834	Unincorporated Areas of Surry County.
	Approximately 1,390 feet downstream of Shadow Creek Trail.	None	+879	
Grassy Creek Tributary 5 ...	At the confluence with Grassy Creek .....	None	+845	Unincorporated Areas of Surry County.
	Approximately 0.9 mile upstream of Pinnacle Hotel Road.	None	+1008	
Grassy Creek Tributary 5A	At the confluence with Grassy Creek Tributary 5 ...	None	+858	Unincorporated Areas of Surry County.
	Approximately 240 feet downstream of Pinnacle Hotel Road (State Road 2061).	None	+986	
Grassy Creek Tributary 5B	At the confluence with Grassy Creek Tributary 5 ...	None	+886	Unincorporated Areas of Surry County.
	Approximately 0.5 mile upstream of the confluence with Grassy Creek Tributary 5.	None	+934	
Grassy Creek Tributary 6 ...	At the confluence with Grassy Creek .....	None	+858	Unincorporated Areas of Surry County.
	Approximately 380 feet upstream of Mt. Zion Road (State Road 2064).	None	+931	
Grassy Creek Tributary 7 ...	At the confluence with Grassy Creek .....	None	+884	Unincorporated Areas of Surry County.
	Approximately 1.1 miles upstream of Santa Fe Trail	None	+1042	
Grassy Creek Tributary 8 ...	At the confluence with Grassy Creek .....	None	+905	Unincorporated Areas of Surry County.
	Approximately 1,500 feet upstream of the confluence with Grassy Creek.	None	+915	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Grassy Creek Tributary 9 ...	At the confluence with Grassy Creek .....	None	+977	Unincorporated Areas of Surry County.
	Approximately 1,500 feet upstream of the confluence with Grassy Creek.	None	+997	
Grassy Creek West .....	At the Surry/Wilkes County boundary .....	None	+987	Town of Elkin.
	Approximately 1,300 feet upstream of the Surry/Wilkes County boundary.	None	+1002	
Hagan Creek .....	At the confluence with Yadkin River .....	None	+807	Unincorporated Areas of Surry County.
	Approximately 1.9 miles upstream of Miller Gap Road.	None	+1068	
Hagan Creek Tributary 1 ....	At the confluence with Hagan Creek .....	None	+848	Unincorporated Areas of Surry County.
	Approximately 380 feet upstream of Solitude Trail ..	None	+891	
Hagan Creek Tributary 2 ....	At the confluence with Hagan Creek .....	None	+939	Unincorporated Areas of Surry County.
	Approximately 0.6 mile upstream of the confluence with Hagan Creek.	None	+973	
Hagan Creek Tributary 3 ....	At the confluence with Hagan Creek .....	None	+972	Unincorporated Areas of Surry County.
	Approximately 0.9 mile upstream of the confluence with Hagan Creek.	None	+1024	
Hatchers Creek .....	At the confluence with Beaverdam Creek .....	None	+1101	Unincorporated Areas of Surry County.
	Approximately 230 feet upstream of Beulah Road ..	None	+1122	
Heatherly Creek .....	At the confluence with Toms Creek .....	None	+918	Unincorporated Areas of Surry County, Town of Pilot Mountain.
	Approximately 980 feet upstream of Nelson Street	None	+1130	
Horne Creek .....	At the confluence with Yadkin River .....	None	+764	Unincorporated Areas of Surry County.
	Approximately 1,780 feet upstream of the confluence of Horne Creek Tributary 1.	None	+833	
Horne Creek Tributary 1 .....	At the confluence with Horne Creek .....	None	+818	Unincorporated Areas of Surry County.
	Approximately 0.4 mile upstream of the confluence of Horne Creek Tributary 1A.	None	+861	
Horne Creek Tributary 1A ..	At the confluence with Horne Creek Tributary 1 .....	None	+831	Unincorporated Areas of Surry County.
	Approximately 1,400 feet upstream of the confluence with Horne Creek Tributary 1.	None	+855	
Jackson Creek .....	At the confluence with Cooks Creek .....	None	+1025	Unincorporated Areas of Surry County.
	Approximately 1.1 miles upstream of the confluence with Cooks Creek.	None	+1062	
Jackson Creek Tributary 1	At the confluence with Jackson Creek .....	None	+1028	Unincorporated Areas of Surry County.
	Approximately 200 feet downstream of Rockford Street.	None	+1055	
Jackson Creek Tributary 2	At the confluence with Jackson Creek .....	None	+1030	Unincorporated Areas of Surry County.
	Approximately 100 feet downstream of Smith Road (State Road 1354).	None	+1067	
Johnson Creek .....	Approximately 100 feet upstream of Riverside Drive	None	+1062	Unincorporated Areas of Surry County, City of Mount Airy.
	Approximately 1.5 miles upstream of Riverside Drive.	None	+1097	
King Creek .....	At the confluence with Cody Creek .....	None	+925	Unincorporated Areas of Surry County.
	Approximately 1,710 feet upstream of U.S. 601 Highway.	None	+1002	
Little Beaver Creek .....	At the confluence with Fisher River .....	None	+925	Unincorporated Areas of Surry County.
	Approximately 50 feet downstream of Copeland School Road (State Road 2209).	None	+1046	
Little Creek .....	At the confluence with Snow Creek .....	None	+973	Unincorporated Areas of Surry County.
	Approximately 810 feet upstream of Melton Road (State Road 1127).	None	+1244	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Little Fisher River .....	At the confluence with Fisher River .....	None	+1027	Unincorporated Areas of Surry County.
	Approximately 2.2 miles upstream of Richards Road (State Road 1614).	None	+1209	
Little Fisher River Tributary 1.	At the confluence with Little Fisher River .....	None	+1041	Unincorporated Areas of Surry County.
	Approximately 0.7 mile upstream of the confluence with Little Fisher River.	None	+1077	
Little Fisher River Tributary 2.	At the confluence with Little Fisher River .....	None	+1103	Unincorporated Areas of Surry County.
	Approximately 800 feet downstream of Dynasty Lane.	None	+1151	
Little Fisher River Tributary 3.	At the confluence with Little Fisher River .....	None	+1112	Unincorporated Areas of Surry County.
	Approximately 550 feet upstream of NC Highway 89.	None	+1143	
Little Fisher River Tributary 3A.	At the confluence with Little Fisher River Tributary 3.	None	+1113	Unincorporated Areas of Surry County.
	Approximately 0.6 mile upstream of the confluence with Little Fisher River Tributary 3.	None	+1135	
Little Yadkin River .....	At the confluence with Yadkin River .....	None	+758	Unincorporated Areas of Surry County.
	Approximately 1.0 mile upstream of the confluence with Yadkin River.	None	+767	
Long Creek .....	At the confluence with Mitchell River .....	None	+1402	Unincorporated Areas of Surry County.
	Approximately 1.1 miles upstream of the confluence with Mitchell River.	None	+1575	
Lovills Creek .....	Approximately 0.5 mile upstream of the confluence with Ararat River.	+992	+991	Unincorporated Areas of Surry County, City of Mount Airy.
	Approximately 1.5 miles upstream of Greenhill Road.	None	+1106	
Mill Creek .....	At the confluence with Mitchell River .....	None	+1099	Unincorporated Areas of Surry County.
	Approximately 650 feet upstream of Ed Nixon Road (State Road 1321).	None	+1158	
Mitchell River .....	At the confluence with Yadkin River .....	None	+875	Unincorporated Areas of Surry County.
	Approximately 2.2 miles upstream of Haystack Road (State Road 1328).	None	+1480	
Moores Fork .....	Approximately 1,300 feet upstream of the confluence with Stewarts Creek.	+1077	+1078	Unincorporated Areas of Surry County.
	Approximately 0.5 mile upstream of Race Track Road (State Road 1620).	None	+1099	
Moores Fork Tributary 1 .....	At the confluence with Moores Fork .....	None	+1085	Unincorporated Areas of Surry County.
	Approximately 1,570 feet upstream of NC Highway 89.	None	+1110	
North Fork Mitchell River ....	At the confluence with Mitchell River .....	None	+1232	Unincorporated Areas of Surry County.
	Approximately 0.5 mile upstream of the confluence with Mitchell River.	None	+1248	
North Prong South Fork Mitchell River.	At the confluence with South Fork Mitchell River ....	None	+1212	Unincorporated Areas of Surry County.
	Approximately 0.4 mile upstream of Rams Ridge Trail.	None	+1407	
Pheasant Creek .....	At the confluence with Fisher River .....	None	+860	Unincorporated Areas of Surry County.
	Approximately 1,980 feet upstream of Chandler Road (State Road 2238).	None	+910	
Pilot Creek .....	At the confluence with Ararat River .....	None	+858	Unincorporated Areas of Surry County, Town of Pilot Mountain.
	Approximately 750 feet upstream of Leonard Road	None	+1083	
Pilot Creek Tributary 1 .....	At the confluence with Pilot Creek .....	None	+875	Unincorporated Areas of Surry County.
	Approximately 0.4 mile upstream of Jim McKinney Road (State Road 2047).	None	+914	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Pilot Creek Tributary 2 .....	At the confluence with Pilot Creek .....	None	+880	Unincorporated Areas of Surry County.
	Approximately 0.5 mile upstream of the confluence with Pilot Creek.	None	+912	
Pilot Creek Tributary 3 .....	At the confluence with Pilot Creek .....	None	+936	Unincorporated Areas of Surry County, Town of Pilot Mountain.
	Approximately 1,130 feet upstream of the confluence with Pilot Creek Tributary 3A.	None	+999	
Pilot Creek Tributary 3A .....	At the confluence with Pilot Creek Tributary 3 .....	None	+978	Town of Pilot Mountain.
	Approximately 1,240 feet upstream of the confluence with Pilot Creek Tributary 3.	None	+1011	
Pilot Creek Tributary 4 .....	At the confluence with Pilot Creek .....	None	+1005	Unincorporated Areas of Surry County.
	Approximately 1,870 feet upstream of the confluence with Pilot Creek.	None	+1056	
Pine Branch .....	At the confluence with Mitchell River .....	None	+1110	Unincorporated Areas of Surry County.
	Approximately 1,930 feet upstream of Millstone Trail.	None	+1134	
Potters Creek .....	At the confluence with Mitchell River .....	None	+1166	Unincorporated Areas of Surry County.
	Approximately 0.9 mile upstream of the confluence with Mitchell River.	None	+1220	
Ring Creek .....	At the confluence with Little Fisher River .....	None	+1132	Unincorporated Areas of Surry County.
Rutledge Creek .....	Approximately 1.0 mile upstream of Richards Road At the confluence with Ararat River .....	None	+1166	Unincorporated Areas of Surry County.
		None	+972	
Rutledge Creek Tributary 1	Approximately 2.1 miles upstream of Reeves Mill Road (State Road 1774). At the confluence with Rutledge Creek .....	None	+1218	Unincorporated Areas of Surry County.
		None	+1077	
Seed Cane Creek .....	Approximately 1,220 feet upstream of Reeves Mill Road (State Road 1776). Approximately 100 feet upstream of the confluence with Ararat River.	None	+1107	City of Mount Airy.
	Approximately 730 feet upstream of Kirkman Road At the confluence with Ararat River .....	None	+994	
Skin Cabin Creek .....	Approximately 730 feet upstream of Kirkman Road At the confluence with Ararat River .....	None	+1060	Unincorporated Areas of Surry County.
		None	+834	
Snow Creek .....	Approximately 0.7 mile upstream of Stanford Church Road (State Road 2086). At the confluence with Mitchell River .....	None	+950	Unincorporated Areas of Surry County.
		None	+880	
Snow Creek Tributary .....	Approximately 0.9 mile upstream of I-77 Highway At the confluence with Snow Creek .....	None	+1260	Unincorporated Areas of Surry County.
		None	+919	
South Fork Mitchell River ...	Approximately 1,540 feet downstream of Stanley Mill Road (State Road 1111). At the confluence with Mitchell River .....	None	+953	Unincorporated Areas of Surry County.
		None	+984	
South Fork Mitchell River Tributary 1.	Approximately 0.5 mile upstream of Silver Creek Way. At the confluence with South Fork Mitchell River ....	None	+1623	Unincorporated Areas of Surry County.
		None	+1068	
South Fork Mitchell River Tributary 2.	Approximately 80 feet downstream of Pat Nixon Road (State Road 1306). At the confluence with South Fork Mitchell River ....	None	+1091	Unincorporated Areas of Surry County.
		None	+1159	
South Fork Mitchell River Tributary 2A.	Approximately 250 feet downstream of Abe Mayes Road (State Road 1319). At the confluence with South Fork Mitchell River Tributary 2.	None	+1205	Unincorporated Areas of Surry County.
		None	+1173	
South Fork Mitchell River Tributary 2B.	Approximately 1,740 feet upstream of the confluence with South Fork Mitchell River Tributary 2. At the confluence with South Fork Mitchell River Tributary 2.	None	+1206	Unincorporated Areas of Surry County.
	Approximately 0.5 mile upstream of Oscar Calloway Road.	None	+1178	
		None	+1210	

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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Stewarts Creek .....	Approximately 0.5 mile upstream of Interstate 77 ...	None	+1226	Unincorporated Areas of Surry County.
Stewarts Creek Tributary 1	At the NC/VA State boundary .....	None	+1309	Unincorporated Areas of Surry County, City of Mount Airy.
	At the confluence with Stewarts Creek .....	None	+1011	
Stewarts Creek Tributary 2	Approximately 0.5 mile upstream of West Old McKinney Road (State Road 1429).	None	+1078	Unincorporated Areas of Surry County.
	At the confluence with Stewarts Creek .....	None	+1058	
Stewarts Creek Tributary 2A.	Approximately 230 feet upstream of Oak Ridge Drive (State Road 1504).	None	+1248	Unincorporated Areas of Surry County.
	At the confluence with Stewarts Creek Tributary 2	None	+1117	
Stoney Creek .....	Approximately 710 feet upstream of Melrose Trail ..	None	+1252	Unincorporated Areas of Surry County.
	At the confluence with Ararat River .....	None	+916	
Toms Creek .....	Approximately 170 feet upstream of Mills Road .....	None	+1208	Unincorporated Areas of Surry County, Town of Pilot Mountain.
	At the confluence with Ararat River .....	None	+879	
Toms Creek Tributary 1 .....	Approximately 0.5 mile upstream of Matthews Road (State Road 1830).	None	+964	Unincorporated Areas of Surry County.
	At the confluence with Toms Creek .....	None	+909	
Toms Creek Tributary 1A ...	Approximately 0.8 mile upstream of the confluence of Toms Creek Tributary 1A.	None	+954	Unincorporated Areas of Surry County.
	At the confluence with Toms Creek Tributary 1 .....	None	+919	
Toms Creek Tributary 2 .....	Approximately 1,430 feet upstream of the confluence with Toms Creek Tributary 1.	None	+934	Town of Pilot Mountain.
	At the confluence with Toms Creek .....	None	+931	
Turkey Creek .....	Approximately 210 feet upstream of Foothill Farm Lane.	None	+951	Town of Elkin.
	At the confluence with Yadkin River .....	None	+890	
West Double Creek .....	Approximately 0.6 mile upstream of NC 268 Highway.	None	+927	Unincorporated Areas of Surry County.
	At the confluence with East Double Creek .....	None	+822	
West Double Creek Tributary 1.	Approximately 1.5 miles upstream of Old Rockford Road (State Road 2230).	None	+903	Unincorporated Areas of Surry County.
	At the confluence with West Double Creek .....	None	+834	
West Double Creek Tributary 1A.	Approximately 0.5 mile upstream of Dobson Spring Trail.	None	+899	Unincorporated Areas of Surry County.
	At the confluence with West Double Creek Tributary 1.	None	+877	
Whittier Creek .....	Approximately 0.5 mile upstream of the confluence with West Double Creek Tributary 1.	None	+907	Unincorporated Areas of Surry County.
	At the confluence with Bull Creek .....	None	+931	
Wood Branch .....	Approximately 1.8 miles upstream of the confluence with Bull Creek.	None	+987	Unincorporated Areas of Surry County.
	At the confluence with South Fork Mitchell River ....	None	+1117	
Yadkin River .....	Approximately 0.8 mile upstream of the confluence with South Fork Mitchell River.	None	+1158	Unincorporated Areas of Surry County, Town of Elkin.
	At the Surry/Yadkin/Forsyth County boundary .....	None	+758	
Yadkin River Tributary 12 ...	Approximately 1.2 miles upstream of the confluence with Elkin Creek.	+904	+903	Unincorporated Areas of Surry County.
	At the confluence with Yadkin River .....	None	+866	
Yadkin River Tributary 13 ...	Approximately 0.8 mile upstream of Railroad .....	None	+881	Unincorporated Areas of Surry County.
	At the confluence with Yadkin River .....	None	+887	
Yadkin River Tributary 16 ...	Approximately 1,260 feet upstream of NC 268 Highway.	None	+895	Unincorporated Areas of Surry County.
	At the confluence with Yadkin River .....	None	+824	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Yadkin River Tributary 18 ...	Approximately 0.5 mile upstream of Railroad .....	None	+850	Unincorporated Areas of Surry County.
	At the confluence with Yadkin River .....	None	+831	
Yadkin River Tributary 37 ...	Approximately 10 feet upstream of Golden Eagle Trail.	None	+885	Unincorporated Areas of Surry County.
	At the confluence with Yadkin River .....	None	+800	
	Approximately 1,680 feet upstream of John Mickles Road (State Road 2075).	None	+852	

\* 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 Mount Airy

Maps are available for inspection at Mount Airy City Hall, 300 South Main Street, Mount Airy, NC.

##### Town of Dobson

Maps are available for inspection at Dobson Town Hall, 307 North Main Street, Dobson, NC.

##### Town of Elkin

Maps are available for inspection at Elkin Town Hall, 226 North Bridge Street, Elkin, NC.

##### Town of Pilot Mountain

Maps are available for inspection at Pilot Mountain Town Hall, 124 West Main Street, Pilot Mountain, NC.

##### Unincorporated Areas of Surry County

Maps are available for inspection at Surry County Building Codes Administration, 118 Hamby Road, Suite 144, Dobson, NC.

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

Dated: July 14, 2008.

##### David I. Maurstad,

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

[FR Doc. E8-16812 Filed 7-22-08; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Parts 171, 172, and 173

[Docket No. PHMSA-2008-0182]

#### Petitions for Interim Standards for Rail Tank Cars Used to Transport Toxic-by-Inhalation Hazard Materials

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of petitions for rulemaking.

**SUMMARY:** This document solicits comments on the merits of two petitions for rulemaking filed with PHMSA

seeking promulgation of an interim standard for railroad tank cars used to transport toxic by inhalation hazard (TIH) materials. One petition was filed jointly by the American Chemistry Council, American Short Line and Regional Railroad Association, Association of American Railroads, Chlorine Institute, and Railway Supply Institute, and a second petition was filed by The Fertilizer Institute.

**DATES:** Comments must be received by August 22, 2008.

**ADDRESSES:** You may submit comments identified by the docket number PHMSA-08-0182 by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* To Docket Operations, Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m.,

Monday through Friday, except Federal Holidays.

**Instructions:** All submissions must include the agency name and docket number for this notice at the beginning of the comment. Note that all comments received will be posted without change to the docket management system, including any personal information provided.

**Docket:** For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov> or DOT's Docket Operations Office (see **ADDRESSES**).

**Privacy Act:** Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

**FOR FURTHER INFORMATION CONTACT:** William Schoonover, (202) 493-6229, Office of Safety Assurance and Compliance, Federal Railroad Administration; Lucinda Henriksen, (202) 493-1345, Office of Chief Counsel,