

rule is categorically excluded, under figure 2-1, paragraph (32)(e), of the Instruction, from further environment documentation because it has been determined that the promulgation of operating regulations or procedures for drawbridges are categorically excluded.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. From June 18, 2005 through December 30, 2005, paragraph (a) in section 117.207 is suspended and a new paragraph (c) is added to read as follows:

#### § 117.207 Housatonic River

\* \* \* \* \*

(c) From June 18, 2005 through December 30, 2005, the U.S. 1 Bridge, mile 3.5, at Stratford, shall open on signal, except that, it may open only one of the two-bascule leafs for the passage of vessel traffic.

(1) From 7 a.m. to 9 a.m. and 4 p.m. to 5:45 p.m., Monday through Friday, the bridge may remain closed for the passage of vessel traffic.

(2) Two-leaf, full bridge openings, shall be provided on holidays as follows: the Fourth of July, Friday July 1 through Monday July 4; Labor Day, Friday September 2 through Monday September 5; Thanksgiving, Thursday November 24 through Sunday November 27; and Christmas, Saturday December 24 through Monday December 26, 2005.

(3) Two-leaf, full bridge openings, shall be provided at any time, except as provided in (c)(1), after at least a three-day advance notice is given by calling the number posted at the bridge.

Dated: April 11, 2005.

**David P. Pekoske,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

[FR Doc. 05-7906 Filed 4-15-05; 12:37 pm]

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#### AMERICAN BATTLE MONUMENTS COMMISSION

#### 36 CFR Parts 401, 402, 403

#### American Battle Monuments Commission Policies on Overseas Memorials

**AGENCY:** American Battle Monuments Commission.

**ACTION:** Proposed regulation.

**SUMMARY:** The American Battle Monuments Commission is updating its regulations on overseas memorials in order to reflect actual practice and current statutory requirements.

**DATES:** Submit comments on or before May 18, 2005.

**ADDRESSES:** You may submit comments, by any of the following methods: Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Agency Web site: <http://www.abmc.gov>. Follow the instructions for submitting comments on the Web site.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Sole, Director of Engineering and Maintenance, American Battle Monuments Commission, Suite 500, 2300 Clarendon Blvd., Arlington, VA 22201-3367; telephone: (703) 696-6899; FAX: (703) 696-6666.

#### SUPPLEMENTARY INFORMATION:

Pursuant to Chapter 21, Title 36 United States Code, the American Battle Monuments Commission (ABMC) is generally responsible for overseas memorials and monuments honoring the sacrifices of the American Armed Forces. ABMC's regulations on the performance of this function have not been updated since 1970. Since that time Congress has established within ABMC a Memorial Trust Fund Program the terms of which are codified at 36 U.S.C. 2106(b-e). The purpose of this proposed regulation is to set forth agency policy implementing 36 U.S.C. 2106(b-e) and to place all agency guidance on overseas memorial responsibilities in one comprehensive document. This proposed part 401 would supersede existing part 401 and rescind existing parts 402 and 403.

#### List of Subjects in 36 CFR Parts 401, 402, and 403

Monuments and memorials.

For the reasons set forth in the preamble, American Battle Monuments Commission proposes to amend 36 CFR chapter IV as follows:

1. Part 401 is revised to read as follows:

#### PART 401—MONUMENTS AND MEMORIALS

Sec.

- 401.1 Purpose.
- 401.2 Applicability and scope.
- 401.3 Background.
- 401.4 Responsibility.
- 401.5 Control and supervision of materials, design, and building.
- 401.6 Approval by National Commission of Fine Arts.
- 401.7 Cooperation with other than Government entities.
- 401.8 Requirement for Commission approval.
- 401.9 Evaluation criteria.
- 401.10 Monument Trust Fund Program.
- 401.11 Demolition criteria.

**Authority:** 36 U.S.C 2105; 36 U.S.C. 2106.

#### § 401.1 Purpose.

This part provides guidance on the execution of the responsibilities given by Congress to the American Battle Monuments Commission (Commission) regarding memorials and monuments commemorating the service of American Armed Forces at locations outside the United States.

#### § 401.2 Applicability and scope.

This part applies to all agencies of the United States Government, State and local governments of the United States and all American citizens, and private and public American organizations that have established or plan to establish any permanent memorial commemorating the service of American Armed Forces at a location outside the United States. This chapter does not address temporary monuments, plaques and other elements that deployed American Armed Forces wish to erect at a facility occupied by them outside the United States. Approval of any such temporary monument, plaque or other element is a matter to be determined by the concerned component of the Department of Defense consistent with host nation law and any other constraints applicable to the presence of American Armed Forces at the overseas location.

#### § 401.3 Background.

Following World War I many American individuals, organizations and governmental entities sought to create memorials in Europe commemorating the service of American Armed Forces that participated in that war. Frequently such well intended efforts were undertaken without adequate regard for many issues including host nation approvals, design adequacy, and funding for perpetual maintenance. As a result, in 1923 Congress created the American Battle Monuments Commission to generally

oversee all memorials created by Americans or American entities to commemorate the service of American Armed Forces at locations outside the United States.

**§ 401.4. Responsibility.**

The Commission is responsible for building and maintaining appropriate memorials commemorating the service of American Armed Forces at any place outside the United States where Armed Forces have served since April 6, 1917.

**§ 401.5. Control and supervision of materials, design, and building.**

The Commission controls the design and prescribes regulations for the building of all memorial monuments and buildings commemorating the

service of American Armed Forces that are built in a foreign country or political division of the foreign country that authorizes the Commission to carry out those duties and powers.

**§ 401.6 Approval by National Commission of Fine Arts.**

A design for a memorial to be constructed at the expense of the United States Government must be approved by the National Commission of Fine Arts before the Commission can accept it.

**§ 401.7 Cooperation with other than Government entities.**

The Commission has the discretion to cooperate with citizens of the United States, States, municipalities, or

associations desiring to build war memorials outside the United States.

**§ 401.8 Requirement for Commission approval.**

No administrative agency of the United States Government may give assistance to build a memorial unless the plan for the memorial has been approved by the Commission. In deciding whether to approve a memorial request the Commission will apply the criteria set forth in the following Part 405 of this chapter.

**§ 401.9 Evaluation criteria.**

Commission consideration of a request to approve a memorial will include, but not be limited to, evaluation of the following criteria:

| Criteria                                                                                                                                                                  | Discussion                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) How long has it been since the events to be honored took place? ...                                                                                                   | Requests made during or immediately after an event are not generally subject to approval. The Commission will not approve a memorial until at least 10 years after the officially designated end of the event. It should be noted that this is the same period of time made applicable to the establishment of memorials in the District of Columbia and its environs by the Commemorative Works Act. |
| (b) How will the perpetual maintenance of the memorial be funded? .....                                                                                                   | Available adequate funding or other specific arrangements addressing perpetual care are a prerequisite to any approval.                                                                                                                                                                                                                                                                               |
| (c) Has the host nation consented? .....                                                                                                                                  | Host nation approval is required.                                                                                                                                                                                                                                                                                                                                                                     |
| (d) Is an overseas site appropriate for the proposed permanent memorial?                                                                                                  | In many circumstances a memorial located within the United States will be more appropriate.                                                                                                                                                                                                                                                                                                           |
| (e) Is the proposed memorial intended to honor an individual or small unit?                                                                                               | Memorials to elements smaller than a division or comparable unit or to an individual will not be approved unless the services of such unit or individual clearly were of such distinguished character as to warrant a separate memorial.                                                                                                                                                              |
| (f) Is the memorial historically accurate? .....                                                                                                                          | Representations should be supported by objective authorities.                                                                                                                                                                                                                                                                                                                                         |
| (g) Is the proposed memorial intended to honor an organizational element of the American Armed Forces rather than soldiers from a geographical area of the United States? | As a general rule, memorials should be erected to organizations rather than to troops from a particular locality of the United States.                                                                                                                                                                                                                                                                |
| (h) Does the contribution of the element to be honored warrant a separate memorial?                                                                                       | The commemoration should normally be through a memorial that would have the affect of honoring all of the American Armed Forces personnel who participated rather than a select segment of the organizational participants.                                                                                                                                                                           |

**§ 401.10 Monument Trust Fund Program.**

Pursuant to the provisions of 36 U.S.C. 2106(d), the Commission operates a Monument Trust Fund Program (MTFP) in countries where there is a Commission presence. Under the MTFP, the Commission may assume both the sponsor's legal interests in the monument and responsibility for its maintenance. To be accepted in the Monument Trust Fund Program, an organization must develop an acceptable maintenance plan and transfer sufficient monies to the Commission to fully fund the maintenance plan for at least 30 years. The Commission will put this money into a trust fund of United States Treasury instruments that earn interest. Prior to acceptance into the MTFP, the sponsor must perform any deferred maintenance necessary to bring the monument up to a mutually agreeable

standard. At that time, the Commission may assume the sponsoring organization's interest in the property and responsibility for all maintenance and other decisions concerning the monument. Once accepted into the program, the Commission will provide for all necessary maintenance of the monument and charge the cost to the trust fund. The sponsoring organization or others interested in the monument may add to the trust fund at any time to insure that adequate funds remain available. The Commission will maintain the monument for as long a period as the trust fund account permits.

**§ 401.11 Demolition criteria.**

As authorized by the provisions of 36 U.S.C. 2106(e), the Commission may take necessary action to demolish any war memorial built outside the United

States by a citizen of the United States, a State, a political subdivision of a State, a governmental authority (except a department, agency, or instrumentality of the United States Government), a foreign agency, or a private association and to dispose of the site of the memorial in a way the Commission decides is proper, if—

- (a) The appropriate foreign authorities agree to the demolition; and
- (b) (1) The sponsor of the memorial consents to the demolition; or
- (2) The memorial has fallen into disrepair and a reasonable effort by the Commission has failed—
  - (i) To persuade the sponsor to maintain the memorial at a standard acceptable to the Commission; or
  - (ii) To locate the sponsor.

**PART 402—[REMOVED]**

2. Part 402 is removed.

**PART 403—[REMOVED]**

3. Part 403 is removed.

**Theodore Gloukhoff,**  
*Director, Personnel and Administration.*  
 [FR Doc. 05-7743 Filed 4-18-05; 8:45 am]  
**BILLING CODE 6120-01-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket No. FEMA-P-7685]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Proposed rule.

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

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

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

**FOR FURTHER INFORMATION CONTACT:** Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

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

**National Environmental Policy Act**

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act**

The Mitigation Division Director of the Emergency Preparedness and

Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

**Regulatory Classification**

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

**Executive Order 12612, Federalism**

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

**Executive Order 12778, Civil Justice Reform**

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

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

Administrative practice and procedure, flood insurance, reporting and record keeping 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:

| Source of flooding and location of referenced elevation                                      | *Elevation in feet (NGVD) |          | Communities affected                                                     |
|----------------------------------------------------------------------------------------------|---------------------------|----------|--------------------------------------------------------------------------|
|                                                                                              | Existing                  | Modified |                                                                          |
| Rosillo Creek (Lower Reach):<br>At the confluence with Salado Creek (Lower Reach) .....      | None                      | *531     | Bexar County (Unincorporated Areas)<br>City of San Antonio City of Kirby |
| Approximately 580 feet upstream of Walzem Road .....                                         | None                      | *754     |                                                                          |
| Salado Creek (lower Reach):<br>Approximately 300 feet downstream of South Presa Street ..... | None                      | *521     | Bexar County (Unincorporated Areas)<br>City of San Antonio               |
| At U. S. Interstate 410 .....                                                                | None                      | *538     |                                                                          |