

operations, environmental samples of soil and groundwater were collected.

Of the fifty-seven different analytes for soil, three semi-volatile organic compounds and fourteen metals were present at concentrations that exceeded cleanup objectives. The highest concentrations were primarily limited to surface soil samples.

The ground water sampling results suggested no impact to the ground water near the Abandoned Powder Burning Pit.

A time-critical removal action was conducted between 2002 and 2006 to reduce metal and carcinogenic PAHs contamination in soils. Regulatory review of this action is in progress.

Parcel 2—Seneca County Jail [Comment 8]

This 25.2 acre parcel is located in the southeast quadrant of SEDA, along its eastern perimeter. The parcel encompasses two SMWUs designated SEAD-50 and SEAD-54, of which 22 acres have been remediated under CERCLA. Investigations were completed to identify potential environmental impacts at each SWMU and were supplemented with risk evaluations that ultimately determined no further action was required for these SWMUs. Based on investigations and remedial activities performed with EPA and State approval and oversight, the SWMUs described below are proposed for deletion from the NPL.

SEAD-50 and SEAD-54 Tank Farm Area

Characterized as a former tank farm area, approximately 160 above-ground storage tanks were once located within the triangular shaped land tract known as SEAD-50/54. The preliminary investigation of the area, which was performed in 1993, was reported in the SWMU Classification Report, and as a result it was identified as a SWMU. The area which was subsequently identified as SEAD-50 was used for dry material storage that included stockpiles of strategic ores such as antimony, rutile, and silicon carbide. One storage tank (Tank #88) contained asbestos ore material and was assigned a separate SEAD designation (SEAD-54). All tanks were removed prior to implementing a phased program of investigation, evaluation, and remediation.

In 1994, an RI and supplemental ESI were performed to characterize the full extent of environmental impacts specific to the SEAD-50/54 area and determine potential threats to human health and the environment. The investigations entailed the completion of a geophysical survey, a drilling

program, test pit excavations, and an environmental sampling program designed to collect surface soil, subsurface soil, surface water, sediment, and groundwater media. Analytical results identified elevated concentrations of selected metals (arsenic, lead, manganese, potassium, and zinc) in tank farm soil materials that were determined to represent a potential environmental threat. A time-critical removal action was performed from late 2002 to early 2003 to excavate, remove, and dispose of impacted soil material from SEAD-50/54. The "Final Completion Report" for SEAD-50/54, which documented findings of the removal action and confirmatory sampling results, presented data supporting a determination that SEAD-50/54 no longer poses a threat to human health and the environment.

EPA, with the concurrence of the State, approved a remedy in September 2005 which required "No Further Action" for SEADs-50/54. The remedy required that the PID and Warehouse Areas, including SEADs-50/54, be subject to controls restricting future residential development and groundwater use. Accordingly, the recorded deed for this Parcel contains the land use restrictions on land and groundwater use. [Comment 9] These land use controls are considered CERCLA actions and are included among the documents which are the basis for this action.

Major Community Involvement Activities

The Army published its Community Relations Plan in October 1992 and created a Restoration Advisory Board to facilitate participation of and input from the public throughout the CERCLA cleanup process. Each decision document at the Site has been made available for public comment, discussed at public meetings, and placed in the information repository before the decision document was finalized.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund.

Dated: August 17, 2007.

**Alan J. Steinberg,**

*Regional Administrator, Region 2.*

[FR Doc. E7-17750 Filed 9-10-07; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-B-7734 & D-7818]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities listed below. The 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:** William R. Blanton, Jr., Engineering Management Section, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**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.

*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.

*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 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	
<b>Larimer County, Colorado, and Incorporated Areas</b>				
Dry Creek (North of Canal) ...	Just upstream of the confluence with Larimer and Weld Canal.	+4994	+4993	Unincorporated Areas of Larimer County.
(South of Canal) .....	Approximately 900 feet downstream of Shields Street	+5017	+5016	City of Fort Collins, Unincorporated Areas of Larimer County.
	Just upstream of the confluence with the Cache La Poudre River.	+4919	+4916	
East Vine Diversion .....	Approximately 850 feet upstream of Redwood Street	+4965	+4964	
	Just upstream of the confluence with Dry Creek (South of Canal).	None	+4944	City of Fort Collins, Unincorporated Areas of Larimer County.
East Vine Diversion Left Overbank Flow.	Just downstream of Larimer and Weld Canal .....	None	+4983	City of Fort Collins, Unincorporated Areas of Larimer County.
	Just upstream of Vine Drive .....	None	+4944	
Larimer and Weld Canal .....	Approximately 1900 feet upstream of Vine Drive .....	None	+4948	City of Fort Collins, Unincorporated Areas of Larimer County.
	At the confluence with East Vine Diversion .....	None	+4983	
	At the upstream diversion from Dry Creek (North of Canal).	None	+4993	
Old Dry Creek (Historic Channel).	Just downstream of Mulberry Street .....	+4921	+4919	Unincorporated Areas of Larimer County.
	Approximately 800 feet downstream of Dry Creek (South of Canal).	+4931	+4930	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

**ADDRESSES**

**City of Fort Collins**

Maps are available for inspection at Stormwater Utilities Department, 700 Wood Street, Fort Collins, CO 80521.

Send comments to Doug Hutchinson, Mayor, City of Fort Collins, 300 LaPorte Avenue, Fort Collins, CO 80522–0580.

**Unincorporated Areas of Larimer County**

Maps are available for inspection at 200 West Oak Street, Fort Collins, CO 80521.

Send comments to Karen Wagner, Chair, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, CO 80522.

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

Anderson Creek .....	At the confluence with Tulula Creek .....	None	+2,255	Graham County.
	Approximately 0.4 mile upstream of State Road 1103	None	+2,643	Graham County.
Atoah Creek .....	At the confluence with Long Creek .....	None	+2,045	
	Approximately 230 feet upstream of Lewis Nelson Road.	None	+2,329	
Bear Creek (near Dentons) ..	At the confluence with Little Snowbird Creek .....	None	+2,510	Graham 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 1.5 miles upstream of the confluence with Little Snowbird Creek.	None	+3,093	
Beech Creek .....	At the confluence with Sweetwater Creek .....	None	+2,196	Graham County.
	Approximately 1,920 feet upstream of the confluence of South Fork Beech Creek.	None	+2,363	
Bert Creek .....	At the confluence with Tulula Creek .....	None	+2,185	Graham County.
	Approximately 1,100 feet upstream of Berts Creek Road.	None	+2,344	
Buffalo Creek .....	At the confluence with Cheoah River .....	None	+1,942	Graham County.
	At the confluence of West Buffalo Creek .....	None	+1,942	
Cheoah River .....	At the confluence with Little Tennessee River .....	None	+1,088	Graham County, Town of Robbinsville.
	At the confluence of Tulula Creek and Sweetwater Creek.	None	+1,982	
Cochran Creek .....	Approximately 0.4 mile upstream of Cochrans Creek Road (State Road 1250).	None	+1,930	Graham County.
	At the confluence with Cheoah River .....	None	+1,963	
Cooloska Branch .....	At the confluence with Snowbird Creek .....	None	+1,942	Graham County, Eastern Band of Cherokee Indians.
	Approximately 900 feet upstream of Massey Branch Road (State Road 1116).	None	+1,965	
Tributary 1 .....	At the confluence with Cooloska Branch .....	None	+1,961	Eastern Band of Cherokee Indians.
	Approximately 30 feet downstream of Jackson Branch Road (State Road 1149).	None	+2,008	
Dry Creek .....	At the confluence with Stecoah Creek .....	None	+2,050	Graham County.
	Approximately 1,630 feet upstream of Collins Cove ....	None	+2,629	
East Buffalo Creek .....	At the confluence with Cheoah River .....	None	+1,942	Graham County, Town of Lake Santeetlah.
	Approximately 0.4 mile upstream of Buffalo Lane .....	None	+2,066	
Eller Mill Creek .....	At the confluence with Little Snowbird Creek .....	None	+2,317	Graham County.
	Approximately 0.5 mile upstream of the confluence with Little Snowbird Creek.	None	+2,540	
Fontana Lake .....	Entire shoreline within Graham County .....	None	+1,710	Graham County.
Franks Creek .....	At the confluence with Tulula Creek .....	None	+2,126	Graham County.
	Approximately 1,000 feet upstream of Franks Creek Road (State Road 1207).	None	+2,315	
Gladdens Creek .....	At the confluence with Cheoah River .....	None	+1,722	Graham County.
	Approximately 0.5 mile upstream of Gladdens Creek Road (State Road 1135).	None	+1,917	
Hares Creek .....	At the confluence with Tulula Creek .....	None	+2,278	Graham County.
	Approximately 700 feet downstream of Carpenter Drive.	None	+2,602	
Hooper Mill Creek .....	At the confluence with West Buffalo Creek .....	None	+2,114	Graham County.
	Approximately 20 feet downstream of the confluence of Seven Springs Branch.	None	+2,672	
Hyde Mill Creek .....	At the confluence with Tulula Creek .....	None	+2,084	Graham County.
	Approximately 1,870 feet upstream of Floyd Carpenter Road (State Road 1132).	None	+2,433	
Juanita Branch .....	At the confluence with Little Snowbird Creek .....	None	+2,985	Graham County.
	Approximately 0.7 mile upstream of the confluence with Little Snowbird Creek.	None	+3,255	
Juts Creek .....	At the confluence with Tulula Creek .....	None	+2,425	Graham County.
	Approximately 0.5 mile upstream of U.S. Highway 129.	None	+2,580	
Little Buffalo Creek .....	At the confluence with West Buffalo Creek and Squally Creek.	None	+2,361	Graham County.
	Approximately 1.5 miles upstream of the confluence with West Buffalo Creek and Squally Creek.	None	+2,928	
Little Snowbird Creek .....	At the confluence with Snowbird Creek .....	None	+2,108	Graham County, Eastern Band of Cherokee Indians.
	Approximately 800 feet upstream of the confluence of Hornet Nest Branch.	None	+3,288	
Little Tennessee River .....	Approximately 1.7 miles downstream of the confluence of Cheoah River.	None	+1,088	Graham County.
	At the downstream side of the Fontana Dam .....	None	+1,277	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) + Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
Long Creek .....	At the confluence with Cheoah River .....	None	+1,968	Graham County, Town of Robbinsville.
	Approximately 1.4 miles upstream of Springwood Lake Road.	None	+2,393	
Mountain Creek .....	At the confluence with Cheoah River .....	None	+1,945	Graham County, Eastern Band of Cherokee Indians.
	Approximately 50 feet downstream of Mountain Creek Road (State Road 1214).	None	+2,397	
Mouse Branch .....	At the confluence with Panther Creek .....	None	+1,710	Graham County.
	Approximately 2.0 miles upstream of the confluence with Panther Creek.	None	+1,713	
North Fork Tuskegee Creek	At the confluence with Tuskegee Creek .....	None	+1,953	Graham County.
	Approximately 1,420 feet upstream of Upper Tuskegee NP (State Road 1242).	None	+2,031	
Ollie Branch .....	At the confluence with East Buffalo Creek .....	None	+1,943	Graham County.
	Approximately 180 feet upstream of Ollies Creek Road (State Road 1253).	None	+2,246	
Panther Creek .....	At the confluence with Little Tennessee River .....	None	+1,710	Graham County.
	Approximately 0.4 mile upstream of Shell Stand Road (State Road 1268).	None	+1,886	
Santeetlah Creek .....	At the confluence with Cheoah River .....	None	+1,942	Graham County.
	Approximately 1.8 miles upstream of the confluence with Cheoah River.	None	+1,942	
Sawyer Creek .....	At the confluence with Stecoah Creek .....	None	+1,710	Graham County.
	Approximately 0.4 mile upstream of Upper Sawyers Creek NP (State Road 1240).	None	+2,284	
Snowbird Creek .....	At the confluence with Cheoah River .....	None	+1,942	Graham County, Eastern Band of Cherokee Indians.
	Approximately 0.6 mile downstream of the confluence of Chestnut Flat Branch.	None	+2,207	
South Fork Beech Creek .....	At the confluence with Beech Creek .....	None	+2,283	Graham County.
	Approximately 1.6 miles upstream of Beech Creek Road (State Road 1223).	None	+2,845	
Squally Creek .....	At the confluence with West Buffalo Creek and Little Buffalo Creek.	None	+2,361	Graham County.
	Approximately 0.9 mile upstream of the confluence of South Fork Squally Creek.	None	+3,922	
Stecoah Creek .....	At the confluence with Little Tennessee River .....	None	+1,710	Graham County.
	Approximately 0.7 mile upstream of Cody Branch (State Road 1226).	None	+2,328	
Sweetwater Creek .....	At the confluence with Cheoah River and Tulula Creek.	None	+1,982	Graham County, Town of Robbinsville.
	Approximately 80 feet downstream of NC Highway 143.	None	+2,356	
Town Branch .....	At the confluence with Panther Creek .....	None	+1,710	Graham County.
	Approximately 0.5 mile upstream of the confluence of Town Branch Tributary 1.	None	+1,729	
Tributary 1 .....	At the confluence with Town Branch .....	None	+1,710	Graham County.
	Approximately 0.5 mile upstream of the confluence with Town Branch.	None	+1,712	
Tulula Creek .....	At the confluence with Cheoah River and Sweetwater Creek.	None	+1,982	Graham County, Town of Robbinsville.
	Approximately 0.8 mile upstream of the confluence of Juts Creek.	None	+2,506	
Tuskegee Creek .....	At the confluence with Little Tennessee River .....	None	+1,710	Graham County.
	At the confluence of North Fork Tuskegee Creek .....	None	+1,953	
West Buffalo Creek .....	At the confluence with Buffalo Creek .....	None	+1,942	Graham County.
	At the confluence of Squally Creek and Little Buffalo Creek.	None	+2,361	
Wolf Creek .....	At the confluence with Panther Creek .....	None	+1,710	Graham County.
	Approximately 0.5 mile upstream of Little Bear Lane ..	None	+1,855	
Yellow Creek .....	At the confluence with Cheoah River .....	None	+1,447	Graham County.
	Approximately 0.9 mile upstream of Yellow Creek Road (State Road 1242).	None	+2,338	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

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**

**Eastern Band of Cherokee Indians**

Maps are available for inspection at Ginger Lynn Welch Complex, 810 Aquona Road, Cherokee, North Carolina. Send comments to Mr. Michell Hicks, Principal Chief for the Eastern Band of Cherokee Indians, P.O. Box 455, Cherokee, North Carolina 28719.

**Graham County**

Maps are available for inspection at Graham County Mapping Department, 12 North Main Street, Robbinsville, North Carolina. Send comments to Mrs. Sandra Smith, Graham County Manager, 12 North Main Street, Robbinsville, North Carolina 28771.

**Town of Lake Santeetlah**

Maps are available for inspection at Lake Santeetlah Town Hall, 4 Marina Drive, Lake Santeetlah, North Carolina. Send comments to The Honorable Harding Hohenschutz, Mayor of the Town of Lake Santeetlah, 4 Marina Drive, Lake Santeetlah, North Carolina 28771.

**Town of Robbinsville**

Maps are available for inspection at Robbinsville Town Hall, 4 Court Street, Robbinsville, North Carolina. Send comments to The Honorable Bobby Cagle, Jr., Mayor of the Town of Robbinsville, P.O. Box 129, Robbinsville, North Carolina 28771.

**Moody County, South Dakota, and Incorporated Areas**

Flooding source(s)	Location of referenced elevation	Effective	Modified	Communities affected
Big Sioux River .....	Just upstream of County Highway 32 2500 feet upstream of First Avenue.	None None	+1532 +1543	Unincorporated Areas of Moody County, City of Flandreau.

\* National Geodetic Vertical Datum.  
# Depth in feet above ground.  
+ North American Vertical Datum.

**ADDRESSES**

**City of Flandreau**

Maps are available for inspection at 1005 W. Elm Avenue, Planning and Zoning Department, Flandreau, SD 57028. Send comments to The Honorable Warren Ludeman, Mayor, City of Flandreau, 1005 W. Elm Avenue, PO Box 343, Flandreau, SD 57028.

**Unincorporated Areas of Moody County**

Maps are available for inspection at 101 E. Pipestone Avenue, Suite E, Flandreau, SD 57028. Send comments to Ms. Brenda Duncan, Planning and Zoning Secretary, 101 E. Pipestone Avenue, Suite E, Flandreau, SD 57028.

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

Dated: August 31, 2007.

**David I. Maurstad,**

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

[FR Doc. E7-17821 Filed 9-10-07; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List Kenk's Amphipod, Virginia Well Amphipod, and the Copepod Acanthocyclops columbiensis as Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the Kenk's amphipod (*Stygobromus kenki*), the Virginia well amphipod (*Stygobromus phreaticus*), and the copepod *Acanthocyclops columbiensis* as endangered under the Endangered Species Act of 1973, as amended. We find the petition does not provide substantial scientific or commercial information indicating that listing of these three crustaceans may be warranted. Therefore, we will not initiate a further status review in response to this petition. We ask the public to submit to us any new information that becomes available concerning the status of these species, or threats to them or their habitat, at any time. This information will help us monitor and encourage the conservation of these species.

**DATES:** The finding announced in this document was made on September 11, 2007.

**ADDRESSES:** The supporting file for this finding is available for public inspection, by appointment, during

normal business hours at the Chesapeake Bay Field Office, U.S. Fish and Wildlife Service, 177 Admiral Cochrane Drive, Annapolis, MD 21401. New information, materials, comments, or questions concerning this species may be submitted to us at any time at the above address.

**FOR FURTHER INFORMATION CONTACT:** John Wolflin, Field Supervisor, Chesapeake Bay Field Office (see **ADDRESSES**) (telephone 410-573-4574; facsimile 410-269-0832). People who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4(b)(3)(A) of the Endangered Species Act, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. We base this finding on information provided in the petition, supporting