

Dated: September 21, 2007.
J.I. Palmer, Jr.,
Regional Administrator, Region 4.

40 CFR parts 52 and 97 are amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart (II)—(North Carolina)

2. In § 52.1770(c) Table 1 is amended under Subchapter 2D by adding, in

numerical order, a new chapter heading for "Section .2400 Clean Air Interstate Rules" and entries for "Section .2403(a)", "Section .2405(a)", and "Section .2412" to read as follows:

§ 52.1770 Identification of plan.

\* \* \* \* \*
(c) \* \* \*

TABLE -1.—EPA-APPROVED NORTH CAROLINA REGULATIONS

Table with 5 columns: State citation, Title/subject, State effective date, EPA approval date, Explanation. Includes Section .2400 Clean Air Interstate Rules with entries for Nitrogen Oxide Emissions and New Unit Growth.

PART 97—[AMENDED]

3. The authority citation for part 97 continues to read as follows:

Authority: 42 U.S.C. 7401, 7403, 7410, 7426, 7601, and 7651, et seq.

4. Appendix A to subpart EE is amended by adding in alphabetical order the entry "North Carolina" under paragraph 1. to read as follows:

Appendix A to Subpart EE of Part 97—States With Approved State Implementation Plan Revisions Concerning Allocations

1. \* \* \*
North Carolina
\* \* \* \* \*

5. Appendix A to subpart II of part 97 is amended by adding in alphabetical order the entry "North Carolina" under paragraphs 1. and 2. to read as follows:

Appendix A to Subpart II of Part 97—States With Approved State Implementation Plan Revisions Concerning CAIR NOx Opt-In Units

1. \* \* \*
North Carolina
2. \* \* \*
North Carolina
\* \* \* \* \*

6. Appendix A to subpart III of part 97 is amended by adding in alphabetical order the entry "North Carolina" under paragraphs 1. and 2. to read as follows:

Appendix A to Subpart III of Part 97—States With Approved State Implementation Plan Revisions Concerning CAIR SO2 Opt-In Units

1. \* \* \*
North Carolina
2. \* \* \*
North Carolina
\* \* \* \* \*

7. Appendix A to subpart EEEE of part 97 is amended by adding in alphabetical order the entry "North Carolina" under the introductory text to read as follows:

Appendix A to Subpart EEEE of Part 97—States With Approved State Implementation Plan Revisions Concerning Allocations

\* \* \* \* \*
North Carolina
\* \* \* \* \*

8. Appendix A to subpart IIII of part 97 is amended by adding in alphabetical order the entry "North Carolina" under paragraphs 1. and 2. to read as follows:

Appendix A to Subpart IIII of Part 97—States With Approved State Implementation Plan Revisions Concerning CAIR NOx Ozone Season Opt-in Units

1. \* \* \*
North Carolina
2. \* \* \*
North Carolina
\* \* \* \* \*

[FR Doc. E7-19317 Filed 10-4-07; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each 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 date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final 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) 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 FEMA has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the

proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*National Environmental Policy Act.* This final 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 final 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 final rule involves no policies that

have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This final 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 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.

**§ 67.11 [Amended]**

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground. Modified	Communities affected
<b>Marshall County, Alabama, and Incorporated Areas Docket No.: FEMA-B-7702</b>			
Guntersville Lake .....	Approximately 5,000 feet downstream of SR 69 Crossing. SR 69 Crossing .....	+596  +596	City of Guntersville, Marshall County (Unincorporated Areas).

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

**ADDRESSES**

**City of Guntersville**

Maps are available for inspection at 341 Gunter Avenue, Guntersville, AL 35976.

**Marshall County (Unincorporated Areas)**

Maps are available for inspection at 424 Blount Avenue, Guntersville, AL 35976.

<b>Gallatin County, Kentucky and Incorporated Areas Docket No.: FEMA-B-7711</b>			
Ohio River .....	Carroll County Line .....	+471	City of Warsaw, Gallatin County (Unincorporated Areas).
	Boone County Line .....	+479	

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

**ADDRESSES**

**City of Warsaw**

Maps are available for inspection at 101 West Market Street, Warsaw, KY 41095.

**Gallatin County (Unincorporated Areas)**

Maps are available for inspection at 200 Washington Street, Warsaw, KY 41095.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground. Modified	Communities affected
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**Letcher County, Kentucky, and Incorporated Areas  
Docket No.: FEMA-B-7713**

North Fork Kentucky River .....	Approximately 0.29 miles downstream of Hazard Road. Approximately 0.14 miles downstream of the CSX Railroad (City of Whitesburg Corporate Limits). Approximately 0.16 miles downstream of State Route 15 near Piedmont Drive (City of Whitesburg Corporate Limits). Approximately 0.14 miles upstream of State Route 15 near the confluence with Pert Creek.	+1124  +1137  +1161  +1176	Letcher County (Unincorporated Areas).
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\* National Geodetic Vertical Datum.  
# Depth in feet above ground.  
+ North American Vertical Datum.

**ADDRESSES  
Letcher County (Unincorporated Areas)**

Maps are available for inspection at 156 Main Street, Whitesburg, KY 41858.

**Trimble County, Kentucky, and Incorporated Areas  
Docket No.: FEMA-B-7713**

Ohio River .....	Trimble County Limits (Downstream) ..... Trimble County Limits (Upstream) ..... Oldham County Line .....  City of Milton Corporate Limits ..... City of Milton Corporate Limits ..... Carroll County Line .....	+463 +464 +457  +463 +464 +464	City of Milton.  Trimble County (Unincorporated Areas).
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\* National Geodetic Vertical Datum.  
# Depth in feet above ground.  
+ North American Vertical Datum.

**ADDRESSES**

**City of Milton**

Maps are available for inspection at 10179 U.S. Highway 421 North, Milton, KY 40045.

**Trimble County (Unincorporated Areas)**

Maps are available for inspection at 123 Church Street, Bedford, KY 40006.

**Wayne County, Nebraska and Incorporated Areas  
Docket No.: FEMA-B-7464**

Deer Creek .....	At confluence with South Logan Creek ..... At 574th Avenue .....	+1450 +1460	City of Wayne.
Dog Creek .....	Approximately 2000 feet upstream of confluence with South Logan Creek. At 858th Road .....	+1420  +1439	City of Wayne.
South Logan Creek .....	Approximately 350 feet downstream of confluence with Dog Creek. Approximately 75 feet upstream of Highway 15 Approximately 200 feet upstream of 854th Road.	+1416  +1444 +1465	City of Wayne.

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

**ADDRESSES**

**City of Wayne**

Maps are available for inspection at the City Office, 306 Pearl Street, Wayne, NE 68787.

**Sandoval County, New Mexico and Incorporated Areas  
Docket No.: FEMA-B-7709**

Tributary A (southern split) .....	Approximately 130 feet upstream from the convergence with Tributary A.	+5417	City of Rio Rancho.
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Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground. Modified	Communities affected
	Approximately 115 feet upstream from 11th street.	+5436	

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

**ADDRESSES**

**City of Rio Rancho**

Maps are available for inspection at 3900 Southern Blvd, Rio Rancho, NM 87124.

**Brown County, South Dakota, and Incorporated Areas  
Docket No.: FEMA-B-7473**

4th Street Drainageway .....	Approximately 400 feet downstream of Sixth Street.	+1,295	City of Groton.
	Approximately 200 feet downstream of Sixth Street.	+1,296	
	Approximately 300 feet upstream of 13th Avenue/Highway 12.	+1,302	

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

**ADDRESSES**

**City of Groton**

Maps are available for inspection at City Hall, 204 North Main Street, Groton, South Dakota 57445.

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

Dated: September 21, 2007.

**David I. Maurstad,**

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

[FR Doc. E7-19681 Filed 10-4-07; 8:45 am]

**BILLING CODE 9110-12-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 90**

[WT Docket No. 02-55; FCC 07-167]

**Improving Public Safety Communications in the 800 MHz Band; Petitions for Waiver of Bethlehem, Pennsylvania and Reading, PA; Petitions for Waiver of Rockdale County, Newton County, City of Covington, Walton County, and Spalding County, GA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; clarification.

**SUMMARY:** In the *Third Memorandum Opinion and Order*, the Federal Communications Commission finds that Sprint Corporation (Sprint) has not met the December 26, 2006, eighteen-month

benchmark for clearing Channel 1-120 incumbents as required by the 800 MHz rebanding process. In that connection, the Commission denies the portion of Sprint's Petition for Reconsideration that sought "clarification" of the eighteen-month benchmark. The Commission also establishes additional benchmarks to ensure timely clearing of the Channel 1-120 band by all incumbent licensees, including Sprint itself. The Commission also requires Sprint to provide monthly reports on its channel-clearing efforts. In addition, the Commission clarifies the 30-month rebanding benchmark, which requires all 800 MHz licensees that must reband to have "commenced" reconfiguration of their systems by December 26, 2007. Finally, the Commission grants several petitions by NPSPEC licensees to extend their rebanding deadline until after incumbent analog broadcasters operating in their area on TV Channel 69 have vacated the spectrum as part of the DTV transition.

**DATES:** Effective September 12, 2007.

**FOR FURTHER INFORMATION CONTACT:** Roberto Mussenden, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-1428 or [Roberto.Mussenden@fcc.gov](mailto:Roberto.Mussenden@fcc.gov); John Evanoff, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-0848 or [John.Evanoff@fcc.gov](mailto:John.Evanoff@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This summary of the Commission's Third Memorandum Opinion and Order in WT Docket No. 02-55, adopted on September 11, 2007, and released on September 12, 2007. The full text of this document is available for public inspection on the Commission's Internet site at <http://www.fcc.gov>. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The full text of this document also may be purchased from the Commission's duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St., SW., Room CY-B402, Washington, DC 20554; telephone (202) 488-5300; fax (202) 488-5563; e-mail [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM).

**Background**

1. In the 800 MHz Report and Order, 69 FR 67823 (November 22, 2004), the Commission ordered the rebanding of the 800 MHz band to resolve interference between commercial and public safety systems in the band. In that Order, the Commission required Sprint to complete retuning of Channel 1-120 licensees (i.e., licensees operating in the 806-809/851-854 MHz band) in twenty NPSPEC regions within eighteen months of the start of the 36-month rebanding period. In the 800 MHz