

(b) *Effective dates.* The effective date for the UIC program for Class I, III, IV, and V wells for all lands in Montana, including all Indian country in Montana, and for Class II wells for all Indian country in Montana other than the Fort Peck Indian Reservation, is June 25, 1984. The effective date for the EPA-approved State-administered UIC Class II program for all lands in Montana, except for those in Indian country, is provided in § 147.1350.

5. Subpart JJJ is added to read as follows:

#### **Subpart JJJ—Assiniboine and Sioux Tribes**

##### **§ 147.3200 Fort Peck Indian Reservation: Assiniboine & Sioux Tribes—Class II wells.**

The UIC program for Class II injection wells on all lands within the exterior boundaries of the Fort Peck Indian Reservation is the program administered by the Assiniboine and Sioux (Fort Peck) Tribes approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on [DATE OF FINAL RULE PUBLICATION]; the effective date of this program is [DATE OF FINAL RULE PUBLICATION]. This program consists of the following elements as submitted to EPA in the Fort Peck Tribes' program application:

(a) *Incorporation by Reference.* The requirements set forth in the Fort Peck Tribes' statutes, regulations, and resolutions cited in this paragraph are hereby incorporated by reference and made part of the applicable UIC program under the SDWA for the Fort Peck Indian Reservation. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained or inspected at the Fort Peck Tribal Offices, 605 Indian Avenue, Poplar, Montana 59255, at the Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(1) *Tribal Code.* Provisions of the Tribal Code listed in Appendix A to this Subpart.

(2) Tribal Government Resolution No. 1106-92-6.

(b) *Memorandum of Agreement (MOA).* The MOA between EPA and the Fort Peck Tribes signed by EPA on July 31, 2007.

(c) *Statements of legal authority.* Letters to EPA from Sonosky, Chambers, Sachse, Endreson & Perry, dated September 4, 2003 (attaching a June 17, 2002 letter), March 27, 2001, July 19, 1999, March 13, 1995, March 16, 1994, November 4, 1992, July 14, 1989, and April 13, 1989, and letters submitted as part of the Fort Peck Tribes' application.

(d) *Program Description.* The Program Description submitted as part of the Fort Peck Tribes' application, and any other materials submitted as part of the application or as a supplement to it.

#### **Appendix A to Subpart JJJ of Part 147—Fort Peck Tribal Requirements Incorporated by Reference in Subpart JJJ of Part 147 of the Code of Federal Regulations**

The following is an informational listing of Fort Peck Tribal requirements incorporated by reference in Subpart JJJ of part 147 of the Code of Federal Regulations:

##### **Fort Peck Assiniboine and Sioux Tribes**

(a) The statutory provisions include portions of the following insofar as they pertain to Class II injection wells:

Fort Peck Assiniboine and Sioux Tribal Underground Injection Control Code, adopted June 1999, Title 18:

##### **Chapter 1. General Provisions**

Section 101. Purposes.

Section 102. Administration.

Section 103. Regulations, Criteria, and Standards.

Section 104. Definitions.

Section 105. Application.

##### **Chapter 2. General Underground Injection Control Program Requirements**

Section 201. Introduction.

Section 202. Requirements.

##### **Chapter 3. Underground Injection Control Permit Requirements**

Section 301. Introduction.

Section 302. Requirements.

##### **Chapter 4. UIC Permitting Procedures**

Section 401. Introduction.

Section 402. Requirements.

##### **Chapter 5. UIC Technical Criteria and Standards**

Section 501. Introduction.

Section 502. Requirements.

Section 503. Additional Requirements.

##### **Chapter 6. Enforcement**

Section 601. Requirements for Compliance Evaluation Programs.

Section 602. Administrative Enforcement.

Section 603. Administrative Penalties.

Section 604. Civil Penalties.

Section 605. Criminal Violations.

Section 606. Judicial Relief.

Section 607. Public Participation in Office of Environmental Protection Enforcement Process.

##### **Chapter 7. Appeals**

Section 701. Judicial Review.

##### **Chapter 8. Public Hearings**

Section 801. Public Hearings.

##### **Chapter 9. Miscellaneous**

Section 901. Savings.

Section 902. Effective Date.

(b) The provisions of Tribal Government Resolution Number 1106-92-6, adopted June 22, 1992, insofar as this resolution prohibits injection by Class II wells into the Judith River formation.

[FR Doc. E8-1667 Filed 1-29-08; 8:45 am]

BILLING CODE 6560-50-P

## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **44 CFR Part 67**

[Docket No. FEMA-B-7760]

#### **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 April 29, 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-7760, 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
Unincorporated Areas of Sutter County, California					
California .....	Unincorporated Areas of Sutter County.	East Side Canal	Downstream source of the East Side Canal.	*38	*40
			1500 feet downstream of Catlett Road.	*39	*40
California .....	Unincorporated Areas of Sutter County.	King Slough .....	Confluence with East Side Canal ...	*39	*40
			1600 feet upstream of the confluence of North King Slough.	*39	*40
California .....	Unincorporated Areas of Sutter County.	North King Slough.	Confluence with King Slough .....	*39	*40
			3200 feet upstream of the confluence with King Slough.	*39	*40

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Unincorporated Areas of Sutter County

Maps are available for inspection at Sutter County Administrators Office, 1160 Civic Center Boulevard, Yuba City, CA 95993.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Clatsop County, Oregon, and Incorporated Areas				
Columbia River .....	Approximately at Warrenton-Astoria Alt Highway south of Astoria Regional Airport.	+9	+12	Unincorporated Areas of Clatsop County, City of Warrenton.
	Approximately 600 feet upstream of SE Anchor Road, West of Burlington Northern railroad.	+9	+12	
Lewis & Clark River .....	Approximately ½ mile downstream of confluence with Heckard Creek, east of Lewis & Clark River.	+9	+12	Unincorporated Areas of Clatsop County.
	Approximately at confluence with Heckard Creek, east of Lewis & Clark River.	+9	+13	
Youngs River .....	Approximately 500 feet south of confluence with Battle Creek Slough.	+7	+12	Unincorporated Areas of Clatsop County.
	Approximately at intersection of Wireless Road & Hwy 101 Business.	+9	+12	

\* 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 Warrenton

Maps are available for inspection at 225 South Main Street, Warrenton, OR 97146.

##### Unincorporated Areas of Clatsop County

Maps are available for inspection at 800 Exchange Street, Astoria, OR 97103.

<b>Perry County, Pennsylvania, and Incorporated Areas</b>				
Juniata River .....	Approximately 8,820 feet downstream of State Highway 17 (Sunbury Street).	None	+402	Township of Tuscarora.
Little Buffalo Creek .....	Approximately 5,420 feet upstream of State Highway 17 (Sunbury Street).	None	+408	Township of Juniata.
	Approximately 5,200 feet upstream of State Route 4010.	None	+428	
	Approximately 5,340 feet upstream of State Route 4010.	None	+428	
Losh Run .....	Approximately 410 feet downstream of Conrail Railroad.	None	+369	Township of Miller.
Losh Run .....	Approximately 930 feet upstream of Conrail Railroad	None	+369	Township of Wheatfield.
	Approximately 495 feet downstream of Conrail Railroad.	None	+369	
Raccoon Creek .....	Approximately 880 feet upstream of Conrail Railroad	None	+369	Township of Tuscarora.
	Approximately 30 feet downstream of Local Route 50024.	None	+405	
	Approximately 1,150 feet upstream of Local Route 50024.	None	+405	
Sugar Run .....	Approximately 605 feet downstream of Hill Road (T-432).	None	+404	Township of Tuscarora.
	Approximately 330 feet upstream of Hill Road (T-432)	None	+404	

\* 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

##### Township of Juniata

Maps are available for inspection at 16 Milford Rd, Newport, PA 17074.

##### Township of Miller

Maps are available for inspection at 55410 Limekiln Lane, Duncannon, PA 17020.

##### Township of Tuscarora

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

Maps are available for inspection at 72 Cemetery Rd, Millerstown, PA 17062.

#### Township of Wheatfield

Maps are available for inspection at Rt. 274, New Bloomfield Road, New Bloomfield, PA 17068.

#### Hanover County, Virginia, and Incorporated Areas

Beaverdam Creek .....	Approximately 384 feet downstream of Old State Route 156.	*92	*91	Unincorporated Areas of Hanover County.
	Approximately 6,450 feet upstream of the Woodbridge Road.	*152	*151	
Bull Run .....	Approximately 1,260 feet upstream of the confluence with North Anna River.	*74	*75	Unincorporated Areas of Hanover County.
	Approximately 1,344 feet upstream of the confluence with North Anna River.	*74	*75	
Crump Creek .....	At approximately 2,800 feet downstream of River Road.	None	*39	Unincorporated Areas of Hanover County.
	Approximately at New Britton Road .....	None	*191	
Lickinghole Creek .....	Approximately 643 feet upstream from the confluence with Stony Run.	None	*126	Unincorporated Areas of Hanover County.
	Approximately at Design Road .....	None	*220	
Little River .....	Approximately at State Route 688 (Doswell Road) .....	None	*95	Unincorporated Areas of Hanover County.
	Approximately 7,000 feet upstream from the confluence with Locust Creek.	None	*218	
Mechumps Creek .....	Approximately 3,258 feet upstream of Route 301 .....	*51	*50	Town of Ashland, Unincorporated Areas of Hanover County.
	Approximately at Route 1 .....	None	*211	
North Anna River .....	Approximately 3.4 miles upstream of Route 1 .....	None	*104	Unincorporated Areas of Hanover County.
	Approximately 3,015 feet upstream from Greek Bay Road.	None	*201	
Pamunkey River .....	Approximately 860 feet downstream of the confluence with Whitting Swamp.	None	*11	Unincorporated Areas of Hanover County.
	Approximately at the confluence with North Anna Creek and South Anna Creek.	None	*60	
South Anna Creek .....	Approximately at State Route 54 .....	None	*110	Unincorporated Areas of Hanover County.
	Approximately 10,750 feet upstream of the confluence with Turkey Creek.	None	*214	
Stony Run .....	Approximately 50 feet upstream of Route 682 .....	*132	*131	Town of Ashland, Unincorporated Areas of Hanover County.
	Approximately at Elmont Road .....	None	*220	
Totopotomoy River .....	Approximately 2,000 feet downstream of the River Road.	None	*28	Unincorporated Areas of Hanover County.
	Approximately at Sliding Hill Road .....	None	*173	
Tributary to Beaverdam Creek.	Approximately 580 feet upstream of the confluence with Beaverdam Creek.	None	*140	Unincorporated Areas of Hanover County.
	Approximately 1,474 feet upstream of the confluence with Beaverdam Creek.	None	*140	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Town of Ashland

Maps are available for inspection at 101 Thompson Street, Ashland, VA 23005.

##### Unincorporated Areas of Hanover County

Maps are available for inspection at Department of Public Works, 7497 County Complex Road, Government Administration Building H, Hanover, VA 23069.

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

Dated: January 22, 2008.

**David I. Maurstad,**

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

[FR Doc. E8-1650 Filed 1-29-08; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA-2008-0015]

RIN 2127-AG51

### Federal Motor Vehicle Safety Standards; Roof Crush Resistance

**AGENCY:** National Highway Traffic  
Safety Administration (NHTSA),  
Department of Transportation.

**ACTION:** Supplemental notice of  
proposed rulemaking (SNPRM).

**SUMMARY:** This document supplements NHTSA's August 2005 proposal to upgrade the Federal motor vehicle safety standard on roof crush resistance. We issued that proposal as part of a comprehensive plan for reducing the serious risk of rollover crashes and the risk of death and serious injury in those crashes.

In this document, we ask for public comment on a number of issues that may affect the content of the final rule, including possible variations in the proposed requirements. We are also announcing the release of the results of various vehicle tests conducted since the proposal and are inviting comments on how the agency should factor this new information into its final rule.

**DATES:** Comments must be received on or before March 17, 2008.

**ADDRESSES:** You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between

9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.

Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket Management Facility at 202-366-9826.

**Instructions:** For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Privacy Act:** Please see the Privacy Act heading under Rulemaking Analyses and Notices.

#### FOR FURTHER INFORMATION CONTACT:

For technical issues: Mr. Christopher Wiacek, Office of Rulemaking, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: (202) 366-4801.

For legal issues: Mr. Edward Glancy, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: (202) 366-2992.

#### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

On August 23, 2005, NHTSA published in the **Federal Register** (70 FR 49223) a notice of proposed rulemaking (NPRM) to upgrade Federal Motor Vehicle Safety Standard (FMVSS) No. 216, *Roof Crush Resistance*.<sup>1</sup> As discussed in the NPRM, this ongoing rulemaking is part of a comprehensive plan for reducing the serious risk of rollover crashes and the risk of death and serious injury in those crashes. In

addition to roof crush, other strategies in the comprehensive approach include crash-avoidance initiatives such as electronic stability control which will significantly reduce the number of rollovers, as well as crashworthiness efforts such as ejection mitigation and improved door lock strength which will lower the probability of ejection when rollovers do occur.

#### A. Overview of Standard 216

FMVSS No. 216 seeks to reduce deaths and serious injuries resulting from the roof being crushed and pushed into the occupant compartment when the roof strikes the ground during rollover crashes. The standard currently applies to passenger cars, and to multipurpose passenger vehicles, trucks and buses with a GVWR of 2,722 kilograms (6,000 pounds) or less.

The standard requires that when a large steel test plate (sometimes referred to as a platen) is placed in contact with the roof of a vehicle and then pressed downward, simulating contact of the roof with the ground during a rollover crash, with steadily increasing force until a force equivalent to 1.5 times the unloaded weight of the vehicle is reached, the distance that the test plate has moved from the point of contact must not exceed 127 mm (5 inches). The criterion of the test plate not being permitted to move more than a specified amount is sometimes referred to as the "platen travel" criterion. Under S5 of the standard, the application of force is limited to 22,240 Newtons (5,000 pounds) for passenger cars, even if the unloaded weight of the car times 1.5 is greater than that amount.

#### B. Target Population of Standard 216

Due to the complex nature of a rollover event and the particularized effect of each element of the comprehensive and systematic approach taken by the agency to address these crashes, each element addresses a specific segment of the total rollover problem.

Table 1 below shows the target population that could potentially benefit from roof crush improvements.<sup>2</sup> The target population for all light vehicles is stratified by injury severity. The table demonstrates how the final target population is derived from the broad category of rollovers by

<sup>2</sup> The target population reflects a very minimal incorporation of ESC in the vehicle fleet. As discussed later in this SNPRM, the final regulatory analysis will be adjusted to reflect full incorporation of ESC into the vehicle fleet. ESC will significantly reduce the number of rollover fatalities, and further reduce the roof crush target population.

<sup>1</sup> Docket No. NHTSA-2005-22143.