

6 NYCRR 200.10. Federal Standards and Requirements (effective 10/20/07)

Part 201. Permits and Certificates

- 6 NYCRR 201–1. General Provisions (effective 7/7/96)
 6 NYCRR 201–2. Definitions (effective 11/21/98)
 6 NYCRR 201–3. Exemptions and Trivial Activities (effective 5/7/03)
 6 NYCRR 201–4. Minor Facility Registrations (effective 7/7/96)
 6 NYCRR 201–5. State Facility Permits (effective 7/7/96)
 6 NYCRR 201–6. Title V Facility Permits (effective 1/18/02)
 6 NYCRR 201–7. Federally Enforceable Emission Caps (effective 7/7/96)
 6 NYCRR 201–8. General Permits (effective 7/7/96)

Part 202. Emissions Verification

- 6 NYCRR 202–1. Emissions Testing, Sampling and Analytical Determinations (effective 5/29/05)
 6 NYCRR 202–2. Emission Statements (effective 5/29/05)

Part 204. NO_x Budget Trading Program

- 6 NYCRR 204–1. General Provisions (effective 2/25/00)
 6 NYCRR 204–2. Authorized Account Representative for NO_x Budget Sources (effective 2/25/00)
 6 NYCRR 204–3. Permits (effective 2/25/00)
 6 NYCRR 204–4. Compliance Certification (effective 2/25/00)
 6 NYCRR 204–5. Allowance Allocations (effective 2/25/00)
 6 NYCRR 204–6. Allowance Tracking System (effective 2/25/00)
 6 NYCRR 204–7. NO_x Allowance Transfers (effective 2/25/00)
 6 NYCRR 204–8. Monitoring and Reporting (effective 2/25/00)
 6 NYCRR 204–9. Individual Unit Opt-ins (effective 2/25/00)

Part 207—Control Measures for Air Pollution Episode (Effective 2/22/79)

Part 210—Emissions and Labeling Requirements for Personal Watercraft Engines

- 6 NYCRR 210–1. Applicability and Definitions (effective 8/8/03)
 6 NYCRR 210–2. Certification and Prohibitions (effective 8/8/03)
 6 NYCRR 210–3. Family Emission Limits (effective 8/8/03)
 6 NYCRR 210–4. In-Use Testing and Recall (effective 8/8/03)
 6 NYCRR 210–5. Warranty (effective 8/8/03)
 6 NYCRR 210–6. Production-Line Testing (effective 8/8/03)
 6 NYCRR 210–7. Severability (effective 8/8/03)

Part 211—General Prohibitions (Effective 8/11/83)

Part 212—General Process Emission Sources (Effective 9/22/94)

Part 215—Open Fires (Effective 6/16/72)

Part 219—Incinerators

- 6 NYCRR 219–1. Incineration—General Provisions (effective 10/30/02)

6 NYCRR 219–2. Municipal and Private Solid Waste Incineration Facilities (effective 5/21/05)

6 NYCRR 219–3. Infectious Waste Incineration Facilities (effective 12/31/88)
 6 NYCRR 219–5. Existing Incinerators (effective 12/31/88)

6 NYCRR 219–6. Existing Incinerators—New York City, Nassau and Westchester Counties (effective 12/31/88)

6 NYCRR 219–7. Mercury Emission Limitations for Large Municipal Waste Combustors Constructed On or Before September 20, 1994 (effective 5/21/05)

6 NYCRR 219–8. Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed On or Before August 30, 1999 (effective 10/18/02)

Part 225—Fuel Consumption and Use

- 6 NYCRR 225–1. Fuel Composition and Use—Sulfur Limitations (effective 1/29/86)
 6 NYCRR 225–2. Fuel Composition and Use—Waste Fuel (effective 11/5/84)
 6 NYCRR 225–3. Fuel Composition and Use—Gasoline (effective 11/4/01)
 6 NYCRR 225–4. Motor Vehicle Diesel Fuel (effective 5/8/05)

Part 226—Solvent Metal Cleaning Processes (Effective 5/7/03)

Part 227—Stationary Combustion Installations

- 6 NYCRR 227–1. Stationary Combustion Installations (effective 2/25/00)
 6 NYCRR 227–2. Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_x) (effective 2/11/04)
 6 NYCRR 227–3. Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program (effective 3/15/99)

Part 228—Surface Coating Processes (Effective 7/23/03)

Part 229—Petroleum and Volatile Organic Liquid Storage and Transfer (Effective 4/4/93)

Part 231—New Source Review in Nonattainment Areas and Ozone Transport Region

- 6 NYCRR 231–1. Requirements for Emission Sources Subject to the Regulation Prior to November 15, 1992 (effective 10/15/94)
 6 NYCRR 231–2. Requirements for Emission Sources Subject to the Regulation On or After November 15, 1992 (effective 5/3/00)

Part 240—Conformity to State or Federal Implementation Plans (Effective 10/22/04)

Part 243—CAIR NO_x Ozone Season Trading Program

- 6 NYCRR 243–1. CAIR NO_x Ozone Season Trading Program General Provisions (effective 10/19/07)
 6 NYCRR 243–2. CAIR Designated Representative for CAIR NO_x Ozone Season Sources (effective 10/19/07)
 6 NYCRR 243–3. Permits (effective 10/19/07)
 6 NYCRR 243–5. CAIR NO_x Ozone Season Allowance Allocations (effective 10/19/07)
 6 NYCRR 243–6. CAIR NO_x Ozone Season Allowance Tracking System (effective 10/19/07)

6 NYCRR 243–7. CAIR NO_x Ozone Season Allowance Transfers (effective 10/19/07)
 6 NYCRR 243–8. Monitoring and Reporting (effective 10/19/07)

6 NYCRR 243–9. CAIR NO_x Ozone Season Opt-in Units (effective 10/19/07)

Part 244—CAIR NO_x Annual Trading Program

- 6 NYCRR 244–1. CAIR NO_x Annual Trading Program General Provisions (effective 10/19/07)
 6 NYCRR 244–2. CAIR Designated Representative for CAIR NO_x Sources (effective 10/19/07)
 6 NYCRR 244–3. Permits (effective 10/19/07)
 6 NYCRR 244–5. CAIR NO_x Allowance Allocations (effective 10/19/07)
 6 NYCRR 244–6. CAIR NO_x Allowance Tracking System (effective 10/19/07)
 6 NYCRR 244–7. CAIR NO_x Allowance Transfers (effective 10/19/07)
 6 NYCRR 244–8. Monitoring and Reporting (effective 10/19/07)
 6 NYCRR 244–9. CAIR NO_x Opt-in Units (effective 10/19/07)

Part 245—CAIR SO₂ Trading Program

- 6 NYCRR 245–1. CAIR SO₂ Trading Program General Provisions (effective 10/19/07)
 6 NYCRR 245–2. CAIR Designated Representative for CAIR SO₂ Sources (effective 10/19/07)
 6 NYCRR 245–3. Permits (effective 10/19/07)
 6 NYCRR 245–6. CAIR SO₂ Allowance Tracking System (effective 10/19/07)
 6 NYCRR 245–7. CAIR SO₂ Allowance Transfers (effective 10/19/07)
 6 NYCRR 245–8. Monitoring and Reporting (effective 10/19/07)
 6 NYCRR 245–9. CAIR SO₂ Opt-in Units (effective 10/19/07)

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[FR Doc. E8–17590 Filed 7–31–08; 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 Branch, 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 Assistant Administrator of the Mitigation Directorate 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:

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified
Unincorporated Areas of Sutter County, California Docket Nos.: FEMA-B-7472; B-7753; and B-7760				
California	Unincorporated Areas of Sutter County.	Bear River	Approximately 0.9 miles upstream of the confluence with Feather River. At Wheatland Road	*54 *96
California	Unincorporated Areas of Sutter County.	East Side Canal	Downstream source of the East Side Canal. 1,500 feet downstream of Catlett Road	*40 *40
California	Unincorporated Areas of Sutter County.	Feather River	At the confluence with Sacramento River	*40
California	Unincorporated Areas of Sutter County.	King Slough	Approximately 1.5 miles upstream of Bogue Road. Confluence with East Side Canal	*72 *40
California	Unincorporated Areas of Sutter County.	Natomas Basin	1,600 feet upstream of the confluence of North King Slough. Area West of Natomas East Main Drainage Canal.	*40 *33
California	Unincorporated Areas of Sutter County.	North King Slough	Area South of Cross Canal Area East of Sacramento River Confluence with King Slough	*33 *33 *40
California	Unincorporated Areas of Sutter County.	Yankee Slough	3,200 feet upstream of the confluence with King Slough. At the confluence with Bear River	*40 *58
			Approximately 1.1 miles upstream of Brewer Road.	*75

* National Beodetic Vertical Datum.
+ North American Vertical Datum.
Depth in feet above ground.

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified
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ADDRESSES

Unincorporated Areas of Sutter County

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

**City of Troy, Michigan
Docket No.: FEMA-B-7749**

Michigan	City of Troy	Hawthorn Drain	Downstream side of Dequindre Road Approximately 750 feet upstream of Minnesota Road.	+629 +635
Michigan	City of Troy	Shanahan Drain (West of Henry Graham Drain).	Inlet to Henry Graham Drain	+639
Michigan	City of Troy	Spencer-Barnard Drain (East).	Downstream side of John R Road Downstream side of Dequindre Road	+644 +630
Michigan	City of Troy	Spencer-Barnard Drain (West).	Upstream side of Minnesota Road Upstream side of John R Road	+632 +639
			Approximately 1,800 feet upstream of Maple Road.	+662

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES

City of Troy

Maps are available for inspection at 500 West Big Beaver Road, Troy, MI 48084.

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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**Marion County, Tennessee, and Incorporated Areas
Docket No.: FEMA-B-7756**

Pryor Cove Branch	Confluence with Standifer Branch	+640	Town of Jasper.
	Confluence with West Fork Pryor Cove Branch	+714	
Sequatchie River	At confluence with Tennessee River	+616	Town of Jasper.
	Approximately 575 feet upstream of U.S. Highway 41	+620	
Standifer Branch	At confluence of Town Creek	+619	Town of Jasper.
	At confluence of Pryor Cove Branch	+639	
West Fork Pryor Cove Branch	At confluence with Pryor Cove Branch	+714	Town of Jasper.
	Approximately 250 feet upstream of Pryor Cove Road	+786	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

ADDRESSES

Town of Jasper

Maps are available for inspection at 4460 Main Street, Jasper, TN 37347.

**Adams County, Washington, and Incorporated Areas
Docket No.: FEMA-B-7755**

Paha Creek	Approximately 1400 feet downstream of Division Street Bridge.	+1,790	City of Ritzville, Unincorporated Areas of Adams County.
	Approximately 800 feet upstream of Fairgrounds foot-bridge.	+1,806	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

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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ADDRESSES

City of Ritzville

Maps are available for inspection at 216 E. Main Avenue, Ritzville, WA 99169.

Unincorporated Areas of Adams County

Maps are available for inspection at 210 W. Alder, Ritzville, WA 99169.

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

Dated: July 23, 2008.

David I. Maurstad,

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

[FR Doc. E8-17681 Filed 7-31-08; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****49 CFR Part 604**

[Docket No. FTA-2005-22657]

RIN 2132-AA85

Charter Service

AGENCY: Federal Transit Administration, DOT.

ACTION: Final rule; response to petitions for reconsideration and amendments.

SUMMARY: This document disposes of the petitions for reconsideration filed in response to the Federal Transit Administration's (FTA) final rule on charter service published on January 14, 2008. This notice also corrects the final rule by adding an authority citation, revises Appendix B and Appendix C, and corrects Appendix D, which should have appeared in the final rule as a matrix.

DATES: *Effective Date:* August 1, 2008.

ADDRESSES: A copy of this rule and comments and material received from the public, as well as any documents indicated in the preamble as being available in the docket, are part of docket FTA-2005-22657 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave., SE., West Building Ground Floor, Room W12-140, Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may retrieve the rule and comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>. Enter docket number 22657 in the search field. The FDMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site.

An electronic copy of this document may also be downloaded from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may also reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's Web page at: <http://www.gpoaccess.gov/fr/index.html>.

FOR FURTHER INFORMATION CONTACT:

Crystal Frederick, Ombudsman for Charter Services, Federal Transit Administration, 1200 New Jersey Ave., SE., Room E54-410, Washington, DC 20590, (202) 366-4063 or ombudsman.charterservice@dot.gov.

SUPPLEMENTARY INFORMATION:**Background**

The Federal Transit Administration (FTA), on January 14, 2008, issued a final rule amending 49 CFR part 604 (73 FR 2326), which governs the provision of charter service by recipients of Federal funds from FTA. FTA utilized negotiated rulemaking procedures to issue the new rule based on direction contained in the Joint Explanatory Statement of the Committee of Conference for section 3023(d), "Condition on Charter Bus Transportation Service" of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 (SAFETEA-LU). The final rule became effective on April 30, 2008, and clarified existing requirements; set out a new definition of "charter service"; allowed for electronic registration of private charter providers, which replaced the old "willing and able" process; included a new provision

allowing private charter operators to request a cease and desist order; and established more detailed complaint, hearing, and appeal procedures. On February 14, 2008, FTA received four petitions for reconsideration for certain provisions contained in the final rule.

Issues Presented in the Petitions for Reconsideration

Each of the following organizations filed a petition with FTA for reconsideration of the final rule: Coach USA, Inc., American Bus Association, Inc. (ABA), Private Sector Participants of Charter Bus Negotiated Rulemaking Advisory Committee ("the Coalition") (which includes the ABA, California Bus Association, Coach America, Coach USA, National School Transportation Association, Northwest Motorcoach Association, Taxicab, Limousine and Paratransit Association, Trailways, and United Motorcoach Association), and Adirondack Trailways (including Pine Hill Trailways and New York Trailways).

Each petition for reconsideration focused primarily on the final rule's exemption for private charter operators. The final rule states:

(c) The requirements of this part shall not apply to private charter operators that receive, directly or indirectly, Federal financial assistance under section 3038 of the Transportation Equity Act for the 21st Century, as amended, or to the non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance under any of the following programs: 49 U.S.C. 5307, 49 U.S.C. 5309, 49 U.S.C. 5310, 49 U.S.C. 5311, 49 U.S.C. 5316, or 49 U.S.C. 5317.

49 CFR 604.2(c)

Coach USA asserts that "while purporting to 'clarify' the rule, FTA introduced into its final rule at section 604.2(c) the undefined limitation that the rules would not apply to 'non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance' under a variety of specified Federal programs. By virtue of the addition of