

(subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

#### Paperwork Reduction Act

The Paperwork Reduction Act (PRA) does not apply to this rule change. *See* 44 U.S.C. 3501–3521. The PRA imposes certain protocol for the “collection of information” by government agencies. The Act defines the “collection of information” as “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public [of certain information]” pursuant to requirements “imposed on ten or more persons.” 44 U.S.C. 3502(3)(A). Regulations promulgated by the Office of Management and Budget to implement the PRA explain that “‘ten or more persons’ refers to the persons to whom a collection of information is addressed by the agency within any 12-month period.” 5 CFR 1320.3(c)(4). Current Department of Justice regulations implementing the Foreign Agents Registration Act require the agents of Cuba and seven other countries to register before those agents may engage in legal commercial transactions in the United States. 28 CFR part 73.2(a). Fewer than ten persons have registered per year under these regulations. The proposed rule would eliminate all countries except Cuba from the list of nations in these regulations, a change that would mirror the statutory exception to the legal commercial transaction exemption to the registration requirements imposed by section 951, and is not expected to increase the number of persons registering.

#### List of Subjects in 28 CFR Part 73

Agents of foreign governments;  
Foreign officials; Foreign relations.

■ Accordingly, by virtue of the authority vested in me as Attorney General, including 18 U.S.C. 951 and 28 U.S.C. 509 and 510, Part 73 of Chapter I of title 28 of the Code of Federal Regulations is amended as follows:

#### PART 73.2—EXCEPTIONS

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 18 U.S.C. 951; 28 U.S.C. 509, 510.

■ 2. Revise paragraph (a) of part 73.2 to read as follows:

#### § 73.2 Exceptions.

(a) The exemption provided in 18 U.S.C. 951(d)(4) for a “legal commercial transaction” shall not be available to

any person acting subject to the direction or control of a foreign government or official where such person is an agent of Cuba or any other country that the President determines (and so reports to the Congress) poses a threat to the national security interest of the United States for purposes of 18 U.S.C. 951; or has been convicted of or entered a plea of nolo contendere to any offense under 18 U.S.C. 792–799, 831, or 2381, or under section 11 of the Export Administration Act of 1979, 50 U.S.C. app. 2410.

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Dated: November 24, 2008.

**Michael B. Mukasey,**

*Attorney General.*

[FR Doc. E8–28620 Filed 12–1–08; 8:45 am]

**BILLING CODE 4410–PB–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
<b>City of Virginia Beach, Virginia FEMA Docket No.: B-7775</b>				
Virginia .....	City of Virginia Beach ..	Atlantic Ocean .....	Approximately 550 feet east of Sandpiper Lane approximately 1.5 miles south of Little Island District Park.	+10
			Approximately 150 feet east of Sandpiper Lane approximately 1 mile south of Little Island District Park.	+10
			Approximately 300 feet north of Porpoise Lane between Sandfiddler Road and Sandpiper Road.	+10
			Approximately 1,200 feet south of Porpoise Lane between Sandfiddler Road and Sandpiper Road.	+10
			Numerous locations along the Atlantic shoreline (extending inland up to 1 mile) from Cape Henry to the southernmost corporate limit of VA Beach. AO zones with depths ranging 1–2 feet & X unshaded zones are now AE or VE zones with BFEs ranging 4–11 feet.	+11
Virginia .....	City of Virginia Beach ..	Chesapeake Bay .....	Immediately south of Oceanview Avenue between Fentress Avenue and Seaview Avenue.	+6.8

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****City of Virginia Beach**

Maps are available for inspection at 2405 Courthouse Drive, Building 2, Third Floor, Virginia Beach, VA 23456.

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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**Marin County, California and Incorporated Areas  
FEMA Docket No.: B-7752**

Black John Slough (backwater from San Pablo Bay).	Approximately 2,000 feet northwest of the intersection of Topaz Drive and Albatross Drive.	+9	City of Novato.
Corte Madera Creek .....	Approximately 250 feet north of the intersection of U.S. Highway 101 and Nellen Drive.	+9	Unincorporated Areas of Marin County.
	Approximately 100 feet east of the intersection of Greenbrae Boardwalk and Northwestern Pacific Railroad.	+9	
(Backwater from San Francisco Bay).	At the intersection of Birch Avenue and Apache Road (at Lagoon 2).	+9	Town of Corte Madera.
(Backwater from San Francisco Bay).	Approximately 66 feet west of the intersection of Bon Air Road and Eliseo Drive.	+9	Unincorporated Areas of Marin County.
Coyote Creek .....	Approximately 800 feet northwest of the intersection of U.S. Highway 101 and Shoreline Highway.	+9	Unincorporated Areas of Marin County.
Gallinas Creek .....	At the intersection of Main Drive and Smith Ranch Road ..	+9	City of San Rafael.
Miller Creek .....	Upstream side of downstream crossing of Lucas Valley Road.	+75	City of San Rafael.
	Approximately 200 feet downstream of upstream crossing of Lucas Valley Road.	+111	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Richardson Bay .....	Approximately 200 feet west of the intersection of San Rafael Avenue and Lagoon Road.	+9	City of Belvedere, Unincorporated Areas of Marin County.
	Approximately 2,000 feet northeast of the intersection of Johnson Street and Bridgeway.	+9	
San Anselmo Creek .....	Approximately 700 feet downstream of Meadow Way .....	+150	Unincorporated Areas of Marin County.
	Approximately 1,700 feet downstream of Meadow Way ....	+155	
(Backwater from San Pablo Bay).	Approximately 1,000 feet south of the San Antonio Creek and Mud Slough confluence.	+8	Unincorporated Areas of Marin County.
San Francisco Bay .....	Approximately 1,000 feet east of the intersection of Eden Lane and Paradise Drive.	+9	Unincorporated Areas of Marin County.
San Pablo Bay .....	Approximately 1,500 feet south of the intersection of Las Lomas Drive and Casa Grande Real.	+9	Unincorporated Areas of Marin County.
San Rafael Canal (backwater from San Rafael Bay).	Approximately 240 feet southeast of the intersection of Point San Pedro Road and Harbor View Court.	+9	Unincorporated Areas of Marin County.

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

#### ADDRESSES

##### City of Belvedere

Maps are available for inspection at Belvedere City Hall, 450 San Rafael Avenue, Belvedere, California.

##### City of Novato

Maps are available for inspection at the City of Novato Public Works Department, 75 Rowland Way, Suite 200, Novato, California.

##### City of San Rafael

Maps are available for inspection at the City of San Rafael Public Works Department, 111 Morphew Street, San Rafael, California.

##### Town of Corte Madera

Maps are available for inspection at the Town of Corte Madera Public Works Department, 233 Tamalpais Drive, Suite 200, Corte Madera, California.

#### Unincorporated Areas of Marin County

Maps are available for inspection at the Marin County Public Works Department, Land Development Section, 3501 Civic Center Drive, San Rafael, California.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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#### Solano County, California, and Incorporated Areas FEMA Docket No.: B-7764

Napa River .....	Approximately 115 feet east of the intersection of Murphy Lane and Tyler Road.	+10	City of Vallejo, Unincorporated Areas of Solano County.
Napa River .....	Approximately 820 feet northeast of the intersection of L Street and Railroad Avenue.	+9	City of Vallejo.
San Pablo Bay .....	Approximately 290 feet south of the intersection of Cedar Avenue and I Street.	+10	City of Vallejo.
	Approximately 0.4 mile west of the intersection of Lawes Street and Dump Road.	+11	
San Pablo Bay .....	Approximately 0.4 mile south of the intersection of Mesa Road and 13th Street.	+12	City of Vallejo, Unincorporated Areas of Solano County.
	Approximately 0.5 mile west of the intersection of Lawes Street and Dump Road.	+13	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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

^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES****City of Vallejo**

Maps are available for inspection at City of Vallejo Public Works Department, 555 Santa Clara Street, Vallejo, CA.

**Unincorporated Areas of Solano County**

Maps are available for inspection at Solano County Public Works Department, 675 Texas Street, Suite 5500, Fairfield, CA.

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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**Tehama County, California, and Incorporated Areas  
FEMA Docket No.: B-7762**

Grasshopper Creek .....	Approximately 1,500 feet upstream of the confluence with Red Bank Creek.	*275	Unincorporated Areas of Tehama County, City of Red Bluff.
Highway 99W Overflow .....	Approximately 0.4 mile upstream of South Jackson Street Approximately 150 feet upstream of the confluence with Red Bank Creek.	*312 *282	Unincorporated Areas of Tehama County.
Spiegel Drive Overflow .....	Approximately 0.5 mile upstream of the confluence with Red Bank Creek.	*291	
	At the confluence with Grasshopper Creek .....	*300	City of Red Bluff.
	At South Jackson Street .....	*308	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****City of Red Bluff**

Maps available for inspection at the Red Bluff City Hall, 555 Washington Street, Red Bluff, California.

**Unincorporated Areas of Tehama County**

Maps available for inspection at the Tehama County Planning Department, 444 Oak Street, Red Bluff, California.

**Taylor County, Florida, and Incorporated Areas  
FEMA Docket No.: B-7774**

Aucilla River .....	At U.S. Highway 98 .....	+10	Unincorporated Areas of Taylor County.
	At the Taylor/Madison County boundary .....	+45	
Pimple Creek .....	Approximately 600 feet upstream of the confluence with Spring Creek.	+37	City of Perry.
	Approximately 400 feet downstream of Cherry Street .....	+41	
Pimple Creek East Branch .....	Just upstream of Johnson Stripling Road .....	+44	City of Perry.
	Approximately 2,000 feet upstream of the confluence with Pimple Creek.	+45	
Rocky Creek .....	At the confluence with Spring Street .....	+25	Unincorporated Areas of Taylor County.
	Approximately 1,300 feet upstream of U.S. Highway 221 ..	+56	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****City of Perry**

Maps are available for inspection at Perry City Hall, 224 South Jefferson Street, Perry, FL.

**Unincorporated Areas of Taylor County**

Maps are available for inspection at Taylor County Building/Planning Department, 201 East Green Street, Perry, FL.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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**Jones County, Georgia, and Incorporated Areas  
FEMA Docket No.: B-7764**

Ocmulgee River .....	Approximately 14,050 feet downstream of River North Boulevard. Approximately 16,790 feet upstream of River North Boulevard.	+316 +332	Unincorporated Areas of Jones County.
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\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Unincorporated Areas of Jones County**

Maps are available for inspection at Zoning and Planning Department, P.O. Box 1359, 166 Industrial Boulevard, Gray, GA 31032-1359.

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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**Alexander County, Illinois, and Incorporated Areas  
FEMA Docket No.: B-7774**

Cotton Slough, interior drainage ponding.	Unincorporated Alexander County (north of Urbandale, IL)	+308	Unincorporated Areas of Alexander County.
Interior drainage ponding (Goose Pond Pumping Station).	Unincorporated Alexander County (near Urbandale, IL) ....	+309	Unincorporated Areas of Alexander County.
Mississippi River .....	One mile upstream of the confluence with the Ohio River	+331	City of Cairo, Unincorporated Areas of Alexander County, Village of East Cape Girardeau, Village of McClure, Village of Tamms, Village of Thebes.
Pigeon Creek .....	Six miles upstream of State Route 146 (River Mile 58) .....	+356	Unincorporated Areas of Alexander County.
	At the mouth of Horseshoe Lake .....	+336	
	At State Route 3 .....	+342	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES**

**City of Cairo**

Maps are available for inspection at Cairo City Hall, 1501 Washington Avenue, Cairo, IL 62914.

**Unincorporated Areas of Alexander County**

Maps are available for inspection at Alexander County, County Clerk's Office, 2000 Washington Avenue, Cairo, IL 62914.

**Village of East Cape Girardeau**

Maps are available for inspection at East Cape Girardeau Village Hall, 50 Brookwood, McClure, IL 62957.

**Village of McClure**

Maps are available for inspection at McClure Village Hall, 38204 Grapevine Trail, McClure, IL 62957.

**Village of Tamms**

Maps are available for inspection at Tamms Village Hall, 425 Front Street, Tamms, IL 62988.

**Village of Thebes**

Maps are available for inspection at Thebes Village Hall, 413 North 6th Street, Thebes, IL 62990.

**Barry County, Michigan, and Incorporated Areas  
FEMA Docket No.: B-7749**

Bristol Lake .....	Entire shoreline of Bristol Lake .....	+910	Township of Johnstown.
Gull Lake .....	Entire shoreline of Gull Lake .....	+882	Township of Barry, Township of Prairieville.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Gun Lake .....	Entire shoreline of Gun Lake .....	+746	Township of Orangeville, Township of Yankee Springs.
Hathaway Lake .....	Entire shoreline of Hathaway Lake .....	+791	Township of Rutland.
Lake North Ridge .....	Entire shoreline of Lake North Ridge .....	+870	City of Hastings.
Mud Creek .....	Confluence with Thornapple Lake .....	+803	Township of Castleton, Township of Woodland.
Thornapple River .....	Downstream side of Saddlebag Lake Road .....	+823	
	Approximately 0.5 mile upstream of Thornapple Lake Road.	+805	Township of Castleton, Village of Nashville.
Thornapple River .....	Approximately 1 mile upstream of N. Main Street .....	+814	
	Approximately 3 miles upstream of N. Broadway Street ....	+771	Township of Hastings, Township of Rutland.
	Approximately 1.2 mile downstream of N. Broadway Street.	+773	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

#### ADDRESSES

##### City of Hastings

Maps are available for inspection at 102 S Broadway Street, Hastings, MI.

##### Township of Assyria

Maps are available for inspection at 8094 Tasker, Bellevue, MI.

##### Township of Baltimore

Maps are available for inspection at 3100 E. Dowling Road, Hastings, MI.

##### Township of Barry

Maps are available for inspection at 155 E. Orchard Street, Delton, MI.

##### Township of Carlton

Maps are available for inspection at 85 Welcome Road, Hastings, MI.

##### Township of Castleton

Maps are available for inspection at 915 Reed Street, Nashville, MI.

##### Township of Hastings

Maps are available for inspection at 885 River Road, Hastings, MI.

##### Township of Hope

Maps are available for inspection at 5463 S. M-43 Highway, Hastings, MI.

##### Township of Irving

Maps are available for inspection at 3425 Wing Road, Hastings, MI.

##### Township of Johnstown

Maps are available for inspection at 13641 South M-37 Highway, Battle Creek, MI.

##### Township of Maple Grove

Maps are available for inspection at 721 Durkee, Nashville, MI.

##### Township of Orangeville

Maps are available for inspection at 7350 Lindsey Road, Plainwell, MI.

##### Township of Prairieville

Maps are available for inspection at 10115 S. Norris Road, Delton, MI.

##### Township of Rutland

Maps are available for inspection at 2461 Heath Road, Hastings, MI.

##### Township of Thornapple

Maps are available for inspection at 200 E. Main Street, Middleville, MI.

##### Township of Woodland

Maps are available for inspection at 156 S. Main Street, Woodland, MI.

##### Township of Yankee Springs

Maps are available for inspection at 284 N. Briggs Road, Middleville, MI.

##### Village of Freeport

Maps are available for inspection at 200 S. State Street, Freeport, MI.

##### Village of Middleville

Maps are available for inspection at 100 E. Main Street, Middleville, MI.

##### Village of Nashville

Maps are available for inspection at 206 N. Main Street, Nashville, MI.

##### Village of Woodland

Maps are available for inspection at 171 N. Main Street, Woodland, MI.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
<b>Midland County, Michigan, and Incorporated Areas</b> <b>FEMA Docket No.: B-7748</b>			
Chippewa River .....	Approximately 8,745 feet upstream of the confluence with Tittabawassee River.	+616	Township of Midland, Township of Homer.
	Approximately 18,635 feet upstream of the confluence with Tittabawassee River.	+616	
Sturgeon Creek .....	Approximately 4,200 feet upstream of Airport Road .....	+615	City of Midland, Township of Larkin.
	Approximately 4,620 feet upstream of Airport Road .....	+615	
Tittabawassee River .....	Approximately 5,000 feet upstream of Consumers Power Railroad.	+611	Township of Midland, City of Midland, Township of Homer.
	Approximately 14,080 feet upstream of the confluence of Sturgeon Creek.	+616	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****City of Midland**

Maps are available for inspection at 333 West Ellsworth Street, Midland, MI 48640.

**Township of Homer**

Maps are available for inspection at Homer Township Hall, 522 North Homer Road, Midland, MI 48640.

**Township of Larkin**

Maps are available for inspection at Larkin Township Hall, 3027 North Jefferson Road, Midland, MI 48642.

**Township of Midland**

Maps are available for inspection at 1030 S. Poseyville Road, Midland, MI 48640.

**Morgan County, Missouri, and Incorporated Areas**  
**FEMA Docket No.: B-7759**

Gravois Creek .....	At confluence with Osage River .....	+664	Town of Gravois Mills, Unincorporated Areas of Morgan County.
	Approximately 1400 feet upstream of Route TT .....	+667	
Lake of the Ozarks (Osage River and tributaries).	At confluence with Gravois Creek .....	+664	Town of Gravois Mills, Unincorporated Areas of Morgan County.
	At confluence with Little Buffalo Creek .....	+665	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****Town of Gravois Mills**

Maps are available for inspection at City Office, 154 Highway 5, Gravois Mills, MO 65037.

**Unincorporated Areas of Morgan County**

Maps are available for inspection at County Office, 100 East Newton, Versailles, MO 65084.

**Macon County, North Carolina, and Incorporated Areas**  
**Docket No.: FEMA-D-7820 and FEMA-B-7736**

Allison Creek .....	The confluence with Jones Creek .....	+2,232	Unincorporated Areas of Macon County.
	Approximately 0.5 mile upstream of Southards Road (State Road 1133).	+2,492	
Beasley Creek .....	At the confluence with Cowee Creek .....	+2,179	Unincorporated Areas of Macon County.
	Approximately 215 feet downstream of Goshen Road (State Road 1347).	+2,269	
Big Creek .....	The confluence with Cullasaja River .....	+3,606	Unincorporated Areas of Macon County, Town of Highlands.
	Approximately 25 feet downstream of the confluence of Houston Branch.	+3,837	
Brooks Creek .....	The confluence with Clear Creek .....	+2,477	Unincorporated Areas of Macon County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Burningtown Creek .....	Approximately 0.4 mile upstream of the confluence with Clear Creek. At the confluence with Little Tennessee River .....	+2,483 +1,890	Unincorporated Areas of Macon County.
Caler Fork .....	Approximately 480 feet upstream of Younce Creek Road (State Road 1390). The confluence with Cowee Creek .....	+2,030 +2,013	Unincorporated Areas of Macon County.
Cartoogechaye Creek .....	Approximately 20 feet downstream of the confluence of Dalton Creek. The confluence of Little Tennessee River .....	+2,081 +2,024	Unincorporated Areas of Macon County, Town of Franklin.
Cat Creek .....	At the confluence of Jones Creek and Poplar Cove Creek The confluence with Rabbit Creek .....	+2,179 +2,046	Unincorporated Areas of Macon County.
Chattooga River .....	Approximately 0.5 mile upstream of Ferguson Road (State Road 1507). The North Carolina/Georgia state boundary .....	+2,087 +2,150	Unincorporated Areas of Macon County.
Clear Creek .....	At the confluence of Cane Creek .....	+2,512	Unincorporated Areas of Macon County.
	The North Carolina/Georgia state boundary .....	+2,467	
Cold Spring Creek .....	Approximately 390 feet upstream of Clear Creek Road (State Road 1613). The confluence with Whiteoak Creek .....	+2,498 +3,162	Unincorporated Areas of Macon County.
Commissioner Creek .....	Approximately 625 feet upstream of Cold Springs Creek Road (State Road 1397). At the confluence with Little Tennessee River .....	+3,382 +2,099	Unincorporated Areas of Macon County.
Coon Creek .....	Approximately 0.8 mile upstream of the confluence with Little Tennessee River. The confluence with Watuaga Creek .....	+2,159 +2,053	Unincorporated Areas of Macon County.
Cove Branch .....	Approximately 430 feet upstream of Brendle Road (State Road 1331). The confluence with ,asaja River .....	+2,268 +2,018	Unincorporated Areas of Macon County.
Cowee Creek .....	Approximately 890 feet upstream of Hunnicutt Road (State Road 1664). The confluence with Little Tennessee River .....	+2,065 +1,958	Unincorporated Areas of Macon County.
Coweeta Creek .....	At the confluence of Beasley Creek and Mica City Creek The confluence with Little Tennessee River .....	+2,179 +2,047	Unincorporated Areas of Macon County.
Crawford Branch .....	Approximately 490 feet upstream of the confluence of Howard Branch. The confluence with Little Tennessee River .....	+2,123 +2,012	Unincorporated Areas of Macon County, Town of Franklin.
Cullasaja River .....	Approximately 660 feet upstream of Crawford Lane .....	+2,096	Unincorporated Areas of Macon County, Town of Franklin, Town of Highlands.
	The confluence with Little Tennessee River .....	+2,017	
Ellijay Creek .....	Approximately 200 feet upstream of Crescent Trail .....	+3,979	Unincorporated Areas of Macon County.
	The confluence with Cullasaja River .....	+2,054	
Jones Creek .....	Approximately 60 feet upstream of Little Ellijay Road (State Road 1528). At the confluence with Poplar Cove Creek and Cartoogechaye Creek.	+2,235 +2,179	Unincorporated Areas of Macon County.
Little Tennessee River .....	At the confluence of Allison Creek .....	+2,232	Unincorporated Areas of Macon County, Town of Franklin.
	The Macon/Swain County boundary .....	+1,835	



Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Little Tennessee River Tributary 5.	Approximately 0.5 mile upstream of the confluence of Commissioner Creek. At the confluence with Little Tennessee River .....	+2,100 +2,015	Unincorporated Areas of Macon County, Town of Franklin.
Little Tennessee River Tributary 6.	Approximately 720 feet upstream of John Justice Road (State Road 1509). At the confluence with Little Tennessee River .....	+2,104 +2,018	Unincorporated Areas of Macon County, Town of Franklin.
Lotla Creek .....	Approximately 1.0 mile upstream of the confluence with Little Tennessee River. At the confluence with Little Tennessee River .....	+2,083 +1,972	Unincorporated Areas of Macon County.
Lowery Creek .....	Approximately 0.7 mile upstream of Airport Road (State Road 1434). At the confluence with Jones Creek .....	+2,017 +2,191	Unincorporated Areas of Macon County.
Mashburn Branch .....	Approximately 330 feet downstream of Anderson Creek Road (State Road 1302). The confluence with Cullasaja River .....	+2,315 +2,027	Unincorporated Areas of Macon County.
Matlock Creek .....	Approximately 0.5 mile upstream of Fulton Road (State Road 1668). The confluence with Cowee Creek .....	+2,094 +1,994	Unincorporated Areas of Macon County.
Middle Creek .....	The confluence with Rickman Creek .....	+2,055	Unincorporated Areas of Macon County.
	The confluence with Little Tennessee River .....	+2,064	
Mill Creek .....	Approximately 155 feet downstream of the confluence of Drymans Branch. The confluence with Cartoogechaye Creek .....	+2,149 +2,091	Unincorporated Areas of Macon County.
Mill Creek (Highlands) .....	The confluence of Mint Branch .....	+2,147	Town of Highlands.
	The confluence with Cullasaja River .....	+3,658	
Monger Creek (Club Lake) .....	Approximately 150 feet downstream North 4th Street .....	+3,819	Unincorporated Areas of Macon County, Town of Highlands.
	The confluence with Cullasaja River .....	+3,606	
Nantahala River .....	Approximately 1,230 feet upstream of Hummingbird Lane Approximately 250 feet downstream of Macon/Swain County boundary.	+3,641 +1,961	Unincorporated Areas of Macon County.
North Fork Coweeta Creek .....	Approximately 1.9 miles upstream of U.S. Highway 64 .....	+3,320	Unincorporated Areas of Macon County.
	The confluence with Coweeta Creek .....	+2,094	
North Prong Ellijay Creek .....	Approximately 0.6 mile upstream of Coweeta Church Road (State Road 1115). The confluence with Ellijay Creek .....	+2,156 +2,191	Unincorporated Areas of Macon County.
Otter Creek .....	Approximately 0.6 mile upstream of the confluence with Ellijay Creek. At the confluence with Whiteoak Creek .....	+2,236 +2,653	Unincorporated Areas of Macon County.
Poplar Cove Creek .....	Approximately 1,200 feet upstream of Otter Creek Road (State Road 1365). At the confluence with Cartoogechaye Creek and Jones Creek.	+2,842 +2,179	Unincorporated Areas of Macon County.
Rabbit Creek .....	Approximately 380 feet upstream of Smith Hill Road (State Road 1306). The confluence with Little Tennessee River .....	+2,264 +2,001	Unincorporated Areas of Macon County, Town of Franklin.
Rocky Branch .....	At the confluence of Corbin Creek and Berry Creek .....	+2,220	Unincorporated Areas of Macon County.
	The confluence with Little Tennessee River .....	+1,977	
Rose Creek .....	Approximately 950 feet downstream of Nettie Hurst Road The confluence with Little Tennessee River .....	+1,996 +1,946	Unincorporated Areas of Macon County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately 1,110 feet upstream of Furman Welch Road (State Road 1374).	+1,953	
Satulah Branch .....	At the confluence with Mill Creek (Highlands) .....	+3,819	Town of Highlands.
	Approximately 850 feet upstream of Smallwood Avenue ...	+3,832	
Skeenah Creek .....	The confluence with Little Tennessee River .....	+2,037	Unincorporated Areas of Macon County.
	Approximately 190 feet upstream of the confluence of South Fork Skeenah Creek.	+2,073	
Tessentee Creek .....	The confluence with Little Tennessee River .....	+2,056	Unincorporated Areas of Macon County.
	The confluence of Whiterock Branch .....	+2,347	
Watuaga Creek .....	The confluence with Little Tennessee River .....	+1,985	Unincorporated Areas of Macon County.
	Approximately 155 feet downstream of Brown Branch Road.	+2,230	
Wayah Creek .....	At the confluence with Cartoogechaye Creek .....	+2,152	Unincorporated Areas of Macon County.
	At the confluence of Shingletree Branch .....	+2,225	
Whiteoak Creek .....	At the confluence with Nantahala River .....	+2,515	Unincorporated Areas of Macon County.
	Approximately 900 feet upstream of the confluence of Cold Spring Creek.	+3,169	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

#### ADDRESSES

##### Town of Franklin

Maps are available for inspection at Franklin Town Hall, 188 West Main Street, Franklin, North Carolina.

##### Town of Highlands

Maps are available for inspection at Highlands Town Hall, 210 North Fourth Street, Highlands, North Carolina.

##### Unincorporated Areas of Macon County

Maps are available for inspection at Macon County Planning Department, Human Services Building, 5 West Main Street, Franklin, North Carolina.

#### Centre County, Pennsylvania, and Incorporated Areas FEMA Docket No.: B-7768

Cherry Run .....	Approximately at the confluence with North Fork Beech Creek.	+1396	Township of Snow Shoe.
	Approximately at Clarence Road .....	+1396	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

#### ADDRESSES

##### Township of Snow Shoe

Maps are available for inspection at Town Hall, 268 Oldside Road, Clarence, PA 16829.

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

Dated: November 24, 2008.

**Michael K. Buckley,**

*Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E8-28518 Filed 12-1-08; 8:45 am]

**BILLING CODE 9110-12-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 08-2521; MB Docket No. 08-113; RM-11446]

##### Television Broadcasting Services; Glendive, MT

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission grants a petition for rulemaking filed by

Glendive Broadcasting Corp. ("Glendive"), permittee of station KXGN-DT, to substitute DTV channel 5 for post-transition DTV channel 10 at Glendive, Montana.

**DATES:** This rule is effective January 2, 2009.

**FOR FURTHER INFORMATION CONTACT:** Joyce L. Bernstein, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 08-113, adopted November 13, 2008, and released November 17, 2008. The full