

| Source of flooding | Location | #Depth in feet above ground *Elevation in feet (NGVD) • Elevation in feet (NAVD) | | Communities affected |
|--------------------|----------|--|----------|----------------------|
| | | Existing | Modified | |

Maps available for inspection at the Crump City Hall, 3020 Highway 64, Crump, Tennessee.
Send comments to The Honorable Phyllis James, Mayor of the City of Crump, P.O. Box 88, Crump, Tennessee 38327.

Hardin County (Unincorporated Areas)

Maps available for inspection at the Hardin County Courthouse, 465 Main Street, Savannah, Tennessee.
Send comments to The Honorable Kevin Davis, Hardin County Mayor, 465 Main Street, Savannah, Tennessee 38372.

City of Saltillo

Maps available for inspection at the Saltillo City Hall, 160 Oak Street, Saltillo, Tennessee.
Send comments to The Honorable David Willis, Mayor of the City of Saltillo, P.O. Box 7888, Saltillo, Tennessee 38370.

City of Savannah

Maps available for inspection at the Savannah City Hall, 140 Main Street, Savannah, Tennessee.
Send comments to The Honorable Robert Shutt, Mayor of the City of Savannah, 140 Main Street, Savannah, Tennessee 38372.

**WEST VIRGINIA
Cabell County**

| | | | | |
|--------------------|--|------|------|---------------------------------------|
| Fudges Creek | Approximately 460 feet upstream of Interstate 64 | None | •580 | Cabell County (Unincorporated Areas). |
| | Approximately 1,200 feet north of the intersection of Howells Mill Road and U.S. Route 60. | None | •580 | |
| Lee Creek | Approximately 50 feet downstream of Interstate 64 | None | •606 | City of Milton. |
| | Approximately 50 feet upstream of Interstate 64 | None | •608 | |

Cabell County (Unincorporated Areas)

Maps available for inspection at the Cabell County Office of Grants, Planning and Permits, Cabell County Courthouse, Room 314, Huntington, West Virginia.
Send comments to Ms. Nancy Cartmill, President of the Cabell County Commission, 750 Fifth Avenue, Suite 300, Huntington, West Virginia 25701.

City of Milton

Maps available for inspection at the City of Milton Annex Building, 1595 U.S. Route 60 East, Milton, West Virginia.
Send comments to The Honorable Betty Sargent, Mayor of the City of Milton, P.O. Box 98, Milton, West Virginia 25541-0098.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: January 28, 2005.

David I. Maurstad,

*Acting Director, Mitigation Division,
Emergency Preparedness and Response
Directorate.*

[FR Doc. 05-2116 Filed 2-3-05; 8:45 am]

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**DEPARTMENT OF HOMELAND
SECURITY**

**Federal Emergency Management
Agency**

44 CFR Part 67

[Docket No. FEMA-D-7604]

**Proposed Flood Elevation
Determinations**

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate,

FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: 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 base flood and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are

made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. As a result, a

regulatory flexibility analysis has not been prepared.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

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 | #Depth in feet above ground Elevation in feet (NGVD) *Elevation in feet (NAVD) | |
|---------------------|--|--|---|---|----------|
| | | | | Existing | Modified |
| Massachusetts | Duxbury (Town), Plymouth County. | Massachusetts Bay | Approximately 1,000 feet southwest of the intersection of Plymouth Avenue and Bay Avenue. | *10 | *11 |
| | | | Approximately 250 feet east of the intersection of Plymouth Avenue and Bay Avenue. | *19 | *21 |
| | | Duxbury Bay/Bluefish River. | Approximately 600 feet west of the intersection of River Lane and Washington Street. | *9 | *10 |
| | | Massachusetts Bay/Kingston Bay. | Approximately 500 feet southeast of the intersection of Loring Street and Bay Road. | *13 | *11 |
| | | | Approximately 850 feet south of the intersection of Bay Road and Landing Road. | *14 | *15 |
| | | Duxbury Bay | Approximately 500 feet south of the intersection of Powder Point Avenue and King Caesar Road. | *14 | *17 |
| | Massachusetts Bay/Duck Hill River/The Marsh. | Approximately 1,000 feet north of the intersection of St. George Street and Strawberry Lane. | *9 | *11 | |

Maps available for inspection at the Duxbury Town Hall, 878 Tremont Street, Duxbury, Massachusetts.

Send comments to Mr. Rocco Longo, Duxbury Town Manager, 878 Tremont Street, Duxbury, Massachusetts 02332.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: January 28, 2005.

David I. Maurstad,

*Acting Director, Mitigation Division,
Emergency Preparedness and Response
Directorate.*

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 385, 390 and 395

[Docket No. FMCSA-2004-19608; Formerly FMCSA-1997-2350]

RIN 2126-AA90

Hours of Service of Drivers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of availability in public docket; addendum to the regulatory impact analysis for the hours of service rulemaking; request for comments.

SUMMARY: On January 24, 2005, the Federal Motor Carrier Safety Administration (FMCSA) published in the **Federal Register** (70 FR 3339) a Notice of Proposed Rulemaking (NPRM) regarding hours of service of commercial motor vehicle drivers. In that NPRM, FMCSA announced it is reviewing and reconsidering the regulations on hours of service of drivers published on April 28, 2003, and amended on September 30, 2003. In the docket to this January 24, 2005, NPRM, FMCSA re-filed the same Regulatory Impact Analysis (RIA), or comprehensive analysis of economic benefits and costs of the proposed rule, as was filed in the docket for the April 2003 final rule. However, effective