

(1) A vessel of 500 gross tonnage or more;

(2) A vessel of 300 gross tonnage or more, on an international voyage; and

(3) A vessel of 150 gross tonnage or more, when carrying more than 12 passengers on an international voyage.

(d) *Operations.* The requirements in this paragraph are applicable to any vessel equipped with AIS.

(1) Use of AIS does not relieve the vessel of the requirements to sound whistle signals or display lights or shapes in accordance with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), 28 U.S.T. 3459, T.I.A.S. 8587, or Inland Navigation Rules, 33 U.S.C. 2001 through 2073; nor of the radio requirements of the Vessel Bridge-to-Bridge Radiotelephone Act, 33 U.S.C. 1201–1208, part 26 of this chapter, and 47 CFR part 80.

(2) AIS must be maintained in effective operating conditions which includes the:

(i) Ability to reinitialize the AIS should the need arise (this could require access and knowledge of the AIS power source and password);

(ii) Ability to access AIS information from the primary conning position of the vessel;

(iii) Accurate broadcast of a properly assigned Maritime Mobile Service Identity (MMSI) number;

(iv) Accurate input and upkeep of all AIS data and system updates; and

(v) Continual operation of AIS, and its associated devices (e.g., GPS, gyro, converters), at all times the vessel is underway, at anchor, or moored in or near a commercial channel or shipping fairway in operations likely to restrict or affect navigation of other vessels, except—

(A) When use of AIS would compromise the safety or security of the vessel or a security incident is imminent.

(B) The AIS should be returned to continuous operation as soon as the compromise has been mitigated or the security incident has passed. At that time, those vessels denoted in paragraph (b), must report to the nearest U.S. Captain of the Port or Vessel Traffic Center, and record in the ship's official log, the AIS operational interruption and the reason for the interruption.

(3) AIS messaging must be conducted in English and solely to exchange or communicate navigation safety information (for example, SECURITE). Although not prohibited, it should not be relied upon as the primary means for broadcasting distress or urgent communications (for example, MAYDAY or PAN PAN). (47 CFR

80.1109, Distress, urgency, and safety communications).

Note to paragraph (d): AIS devices must be able to broadcast vessel position, course, and speed, and may require the input of an external positioning device (e.g., DGPS) to do so. Although of great benefit, the integration of existing, or installation of, other external devices or displays (e.g., transmitting heading device, gyro, rate of turn indicator, ECDIS/ECS, and radar) is highly recommended but is not currently required except as denoted in § 164.46(c).

(e) *Watchkeeping.* AIS is primarily intended for use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who must maintain a periodic watch for AIS information.

(f) *Portable AIS.* The use of a portable AIS is permissible only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on board and such that only one AIS unit may be in operation at any one time.

(g) *Pilot Port.* The AIS Pilot Port, on any vessel subject to pilotage, must be readily available and easily accessible from the primary conning position of the vessel and within at least 3 feet of a 120-volt 50/60 Hz AC power receptacle.

(h) *Exceptions.* Only those vessels that operate solely within a very confined area (e.g., less than a one nautical-mile radius, shipyard, fleet area), or on short and fixed schedules (e.g., a bank-to-bank river ferry service), or that otherwise are not likely to encounter another AIS equipped vessel, may request a yearly deviation from this section as set forth in § 164.55.

(i) *Implementation date.* Those vessels identified in paragraph (b) of this section that were not previously subject to AIS carriage must install AIS no later than [date of the first day of the seventh month after publication of the final rule to be inserted].

§ 164.53 [Amended]

27. In § 164.53(b), following the word “vessel’s”, add the phrase “automatic identification system (AIS),”.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

28. The authority citation for part 165 is revised to read as follows:

Authority: 33 U.S.C. 1226, 1231; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

§ 165.1704 [Amended]

29. In § 165.1704, in paragraph (c)(4), following the punctuation mark “;”, add the word “and”; in paragraph (c)(5), following the term “6 knots”, remove “; and” and add, in their place, the punctuation mark “.”; and remove paragraph (c)(6).

Dated: December 2, 2008.

Thad W. Allen,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. E8–29698 Filed 12–11–08; 4:15 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–B–1024]

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 March 16, 2009.

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–1024, 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.

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.

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:

| Flooding source(s) | Location of referenced elevation ** | * Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground | | Communities affected |
|---|---|--|----------|--|
| | | Effective | Modified | |
| Ventura County, California, and Incorporated Areas | | | | |
| Arroya Santa Rosa | At the confluence with Conejo Creek | +232 | +233 | Unincorporated Areas of Ventura County. |
| | Approximately 0.6 mile upstream of East Las Posas Road. | +381 | +378 | |
| Arroyo Santa Rosa Tributary. | At the confluence with Arroyo Santa Rosa | +258 | +250 | Unincorporated Areas of Ventura County. |
| | Approximately 400 feet upstream of Santa Rosa Road | None | +379 | |
| Calleguas Creek | Approximately 100 feet downstream of U.S. Highway 101. | +141 | +143 | Unincorporated Areas of Ventura County, City of Camarillo. |
| | Approximately 0.9 mile upstream of Seminary Road | +241 | +248 | |
| Camarillo Hills Drain | Approximately 40 feet upstream of West Ventura Boulevard. | +92 | +95 | City of Camarillo. |
| | At Arneill Road | None | +185 | |
| Edgemore Drain | At the confluence with Camarillo Hills Drain | None | +117 | City of Camarillo. |
| | Approximately 520 feet upstream of Getman Street | None | +153 | |
| Mission Drain | At the confluence with Camarillo Hills Drain | None | +132 | City of Camarillo. |
| | Approximately 430 feet downstream of Mission Drive .. | None | +173 | |
| Peach Hill Wash | At the confluence with Arroyo Simi | +427 | +426 | City of Moorpark, Unincorporated Areas of Ventura County. |
| | Approximately 1,170 feet upstream of Country Hill Road. | +475 | +477 | |
| Somis Drain | At the confluence with Calleguas Creek | +165 | +168 | City of Camarillo. |
| | At Las Posas Road | None | +203 | |
| West Camarillo Hills Tributary. | At the confluence with Camarillo Hills Drain | None | +124 | City of Camarillo. |

| Flooding source(s) | Location of referenced elevation ** | * Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground | | Communities affected |
|--------------------|--|--|----------|----------------------|
| | | Effective | Modified | |
| | Approximately 20 feet downstream of Las Posas Road | None | +155 | |

* 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 Camarillo

Maps are available for inspection at Camarillo City Hall, 601 Carmen Drive, Camarillo, CA.

City of Moorpark

Maps are available for inspection at Moorpark City Hall, 799 Moorpark Avenue, Moorpark, CA.

Unincorporated Areas of Ventura County

Maps are available for inspection at Ventura County Hall of Administration, 800 South Victoria Avenue, Ventura, CA.

Gage County, Nebraska, and Incorporated Areas

| | | | | |
|--|--|-------|-------|--------------------------------------|
| Big Blue River | Approximately 900 feet upstream of State Highway 8 .. | None | +1195 | Unincorporated Areas of Gage County. |
| Big Blue River Tributary 44 | Approximately 0.5 mile upstream of State Highway 8 ... | None | +1196 | City of Beatrice. |
| | Upstream of South 25th Street | +1254 | +1261 | |
| Big Blue River backwater on Bills Creek. | Downstream of Scott Street | None | +1273 | City of Wymore. |
| | Approximately 1,200 feet downstream of South A Street. | None | +1217 | |
| | Approximately 600 feet downstream of South A Street | None | +1217 | |

* 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 Beatrice

Maps are available for inspection at City Hall, 400 Ella Street, Beatrice, NE 68310.

City of Wymore

Maps are available for inspection at City Office, 115 West East Street, Wymore, NE 68466.

Unincorporated Areas of Gage County

Maps are available for inspection at Gage County Highway Department, 823 South 8th Street, Beatrice, NE 68310.

Jackson County, North Carolina, and Incorporated Areas

| | | | | |
|------------------------|---|------|-------|--|
| Bumgarner Branch | At the confluence with Mill Creek (into Tuckasegee River). | None | +2114 | Town of Sylva, Unincorporated Areas of Jackson County. |
| Tuckasegee River | Approximately 1,200 feet upstream of Big Orange Way | None | +2136 | Town of Dillsboro, Unincorporated Areas of Jackson County. |
| | Approximately 150 feet downstream of the Jackson/Swain County boundary. | None | +1835 | |
| | The confluence of Greenland Creek and Panthertown Creek. | None | +3654 | |

* 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 Dillsboro

Maps are available for inspection at Dillsboro Town Office, 42 Front Street, Dillsboro, NC.

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

Town of Sylva

Maps are available for inspection at Sylva Town Hall, 83 Allen Street, Sylva, NC.

Unincorporated Areas of Jackson County

Maps are available for inspection at Jackson County Inspections Department, 401 Grindstaff Cove Road, Suite 105, Sylva, NC.

Pottawatomie County, Oklahoma, and Incorporated Areas

| | | | | |
|---|---|------|-------|------------------|
| Tributary #1 to Rock Creek | Confluence with Rock Creek and Tributary #1 to Rock Creek. | +973 | +974 | City of Shawnee. |
| Tributary #1 to Tributary #2 to Rock Creek. | Approximately 1,565 feet upstream of Kickapoo Street | +985 | +986 | City of Shawnee. |
| | Approximately 500 feet downstream of Union Street | None | +989 | |
| | Intersection of 45th Street and Tributary #1 to Tributary #2 to Rock Creek. | None | +1021 | |

* 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 Shawnee**

Maps are available for inspection at County Courthouse, 325 N. Broadway, Shawnee, OK 74801.

Monroe County, Tennessee, and Incorporated Areas

| | | | | |
|------------------------|--|------|------|--|
| Sweetwater Creek | 121 feet upstream of State Highway 322 | +903 | +908 | City of Sweetwater. |
| | 290 feet downstream of State Highway 68 | +917 | +918 | |
| Sweetwater Creek | 1,655 feet upstream of State Highway | None | +920 | Unincorporated Areas of Monroe County, City of Sweetwater. |
| | 1,430 feet downstream of North Main Street | None | +888 | |
| | 248 Feet Upstream of State Highway | None | +920 | |

* 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 Sweetwater**

Maps are available for inspection at 203 Monroe Street, Sweetwater, TN 37874.

Unincorporated Areas of Monroe County

Maps are available for inspection at 310 Tellico Street, Suite 2, Madisonville, TN 37354.

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

Dated: December 5, 2008.

Michael K. Buckley,

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

[FR Doc. E8-29763 Filed 12-15-08; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-B-1025]

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 March 16, 2009.

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-1025, 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.

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.

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: