

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Raven Fork	Approximately 1,650 feet upstream of Big Cove Road	None	+2638	Eastern Band of Cherokee Indians.
Shepherd Creek	Approximately 0.5 mile upstream of Big Cove Road ... At the confluence with Kirkland Creek	None None	+2663 +1844	Unincorporated Areas of Swain County.
Silvermine Creek	Approximately 1.4 miles upstream of the confluence with Kirkland Creek. At the confluence with Nantahala River	None None	+2232 +1724	Unincorporated Areas of Swain County.
Straight Fork	Approximately 100 feet upstream of Taylor Road (State Road 1104). Approximately 100 feet upstream of the confluence with Raven Fork. Approximately 1.0 mile upstream of the confluence with Raven Fork.	None +2454 None	+2151 +2455 +2558	Eastern Band of Cherokee Indians.
Toot Hollow Branch	At the confluence with Tuckasegee River	+1735	+1734	Unincorporated Areas of Swain County, Town of Bryson City.
Tuckasegee River	Approximately 330 feet upstream of Monteith Road (State Road 1334). At the confluence with Little Tennessee River	None None	+1806 +1710	Unincorporated Areas of Swain County, Eastern Band of Cherokee Indians, Town of Bryson City.
Wesser Creek	At the upstream side of U.S. 74/U.S. 441	None	+1845	Unincorporated Areas of Swain County.
	At the confluence with Conley Creek	None	+1984	
Wesser Creek (into Nantahala River).	Approximately 200 feet upstream of Estes Drive	None	+2052	Unincorporated Areas of Swain County.
	At the confluence with Nantahala River	None	+1711	
	Just downstream of the confluence of Right Fork Wesser Creek.	None	+2201	

* 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

Eastern Band of Cherokee Indians

Maps are available for inspection at Ginger Lynn Welch Complex, 810 Acquoni Road, Cherokee, NC.

Town of Bryson City

Maps are available for inspection at Town of Bryson City Manager's Office, 45 Everett Street, Bryson City, NC.

Unincorporated Areas of Swain County

Maps are available for inspection at Swain County Mapping Department, 101 Mitchell Street, Bryson City, NC.

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

Dated: March 3, 2008.

Michael K. Buckley,

Deputy Assistant Administrator for
Mitigation, Department of Homeland
Security, Federal Emergency Management
Agency.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-B-7756]

Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the table to a proposed rule published in the **Federal Register** of January 16, 2008. This correction clarifies the table representing the flooding source(s), location of referenced elevation, the effective and modified elevation in feet and the communities affected for Pulaski County, Arkansas, and Incorporated Areas; specifically, for flooding sources "Good Earth Drain, Isom Creek, Kinley Creek, Little Maumelle River, Nowlin Creek, South

Loop, South Split, Taylor Loop Creek and Tributary 4 to Little Maumelle River," than was previously published.

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) 646-2903.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1-percent-annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), 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 BFEs 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.

Correction

In proposed rule FR Doc. E8-725, beginning on page 2860 in the issue of January 16, 2008, make the following corrections, in the table published under the authority of 44 CFR 67.4. On page 2860, in § 67.4, in the table with center heading Pulaski County, Arkansas, and Incorporated Areas, the flooding source, location of referenced elevation, the effective and modified elevation in feet and the communities affected for flooding sources "Good Earth Drain, Isom Creek, Kinley Creek, Little Maumelle River, Nowlin Creek, South Loop, South Split, Taylor Loop Creek and Tributary 4 to Little Maumelle River", need to be corrected to read as follows:

* * * * *

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Pulaski County, Arkansas, and Incorporated Areas				
Good Earth Drain	Approximately 250 ft downstream of Cantrell Rd. Intersection.	+283	+281	City of Little Rock.
Isom Creek	Divergence from Taylor Loop Creek	+287	+285	Unincorporated Areas of Pulaski County, City of Little Rock.
	Confluence with Taylor Loop Creek	+264	+265	
Kinley Creek	Approximately 100 feet upstream of Russ Street	+346	+345	Unincorporated Areas of Pulaski County.
	Confluence with Nowlin Creek	+350	+292	
Little Maumelle River	Approximately 50 feet downstream of Garrison Rd intersection.	+413	+411	Unincorporated Areas of Pulaski County.
	Approximately 445 feet upstream of intersection with Highway 300.	+268	+270	
Nowlin Creek	Intersection with Brush Mountain Trail	+564	+561	Unincorporated Areas of Pulaski County.
	Confluence with Little Maumelle River	+268	+271	
South Loop	Approximately 3200 feet upstream of Forestry Road intersection.	+500	+497	Unincorporated Areas of Pulaski County.
	Confluence with Taylor Loop Creek	+264	+266	
South Split	Divergence with Taylor Loop Creek	+306	+305	Unincorporated Areas of Pulaski County, City of Little Rock.
	Approximately 700 feet upstream from confluence with South Loop.	+286	+285	
Taylor Loop Creek	Divergence from South Loop	+295	+290	Unincorporated Areas of Pulaski County, City of Little Rock.
	Confluence with Little Maumelle River	+264	+266	
Tributary 4 to Little Maumelle River.	Approximately 800 Feet upstream of Valley Estates Dr. intersection.	+431	+430	Unincorporated Areas of Pulaski County, City of Little Rock.
	Confluence with Little Maumelle River	None	+266	
	Intersection with Cantrell Rd.	None	+301	
	Approximately 3488 feet upstream from intersection with Autumn Blaze Trail.	None	+509	

* * * * *

Dated: March 3, 2008.

Michael K. Buckley,
Deputy Assistant Administrator for
Mitigation, Department of Homeland
Security, Federal Emergency Management
Agency.

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DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 13 and 19**[FAR Case 2006-034; Docket 2007-0001;
Sequence 15]

RIN 9000-AK92

**Federal Acquisition Regulation: FAR
Case 2006-034, Socioeconomic
Program Parity**

AGENCIES: Department of Defense (DoD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency
Acquisition Council and the Defense
Acquisition Regulations Council
(Councils) are proposing to amend the
Federal Acquisition Regulation (FAR) to
ensure that the FAR reflects the Small
Business Administration's (SBA)
interpretation of the Small Business Act
and SBA regulations with regard to the
relationship among various small
business programs.

DATES: *Comment date:* Interested parties
should submit written comments to the
Regulatory Secretariat at the address
shown below on or before May 9, 2008,
to be considered in the formation of the
final rule.

ADDRESSES: Submit comments,
identified by FAR Case 2006-034, by
any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>.

Submit comments via the Federal
eRulemaking portal by inputting "FAR
Case 2006-034" under the heading
"Comment or Submission". Select the
link "Send a Comment or Submission"
that corresponds with FAR Case 2006-
034. Follow the instructions provided to
complete the "Public Comment and
Submission Form". Please include your
name, company name (if any), and
"FAR Case 2006-034" on your attached
document.

- *Fax:* 202-501-4067.

- *Mail:* General Services
Administration, Regulatory Secretariat
(VPR), 1800 F Street, NW., Room 4035,
ATTN: Diedra Wingate, Washington, DC
20405.

Instructions: Please submit comments
only and cite FAR case 2006-034 in all
correspondence related to this case. All
comments received will be posted
without change to <http://www.regulations.gov>, including any
personal and/or business confidential
information provided.

FOR FURTHER INFORMATION CONTACT: Ms.
Rhonda Cundiff, Procurement Analyst,
at (202) 501-0044 for clarification of
content. The FAR Secretariat at (202)
501-4755 for information pertaining to
status or publication schedules. Please
cite FAR case 2006-034.

SUPPLEMENTARY INFORMATION:**A. Background**

The purpose of this rule is to ensure
that the FAR clearly reflects SBA's
interpretation of the Small Business Act
and SBA's interpretation of its
regulations with regard to the order of
precedence that applies when deciding
whether to satisfy a requirement
through an award to a small business, a
HUBZone small business concern, a
service-disabled veteran-owned small
business (SDVOSB) concern or a small
business participating in the 8(a)
Business Development Program (8(a)
Program).

This FAR rule is intended to make the
following clear:

(1) There is no order of precedence
among the 8(a), HUBZone, or SDVOSB
Programs. However, if a requirement has
been accepted by SBA under the 8(a)
Program, it must remain in the 8(a)
Program unless SBA agrees to its release
in accordance with 13 CFR 124, 125 and
126.

(2) For acquisitions exceeding
\$100,000, the contracting officer must
consider making award under the 8(a),
HUBZone or SDVOSB Programs (either
set-aside or sole source) before the
contracting officer proceeds with a
small business set-aside. See 19.203(b)
and 19.502-2(b).

After having considered making
award under the 8(a), HUBZone or
SDVOSB Programs, the contracting
officer may set aside an acquisition for
small business, with one exception. By
statute (15 U.S.C. 657a(b)(2)(B)), the
contracting officer cannot set the
acquisition aside for small business if
the criteria for setting it aside for
HUBZone small business are met.

(3) FAR 19.502-2(a) sets forth the
requirement to exclusively reserve

acquisitions for small business between
\$3,000 and \$100,000 unless the
contracting officer determines there is
not a reasonable expectation of
obtaining offers from two or more small
businesses that are competitive in terms
of market prices, quality, and delivery.
This proposed rule clarifies that these
small business set-asides do not
preclude award of a contract to a
qualified HUBZone small business
concern pursuant to the HUBZone
Program, an 8(a) Program participant
pursuant to the 8(a) Program, or to a
SDVOSB concern pursuant to the
SDVOSB Program because the SBA's
regulations give the contracting officer
discretionary authority to use the
HUBZone, 8(a), or SDVOSB Programs at
these dollar levels. In addition, the rule
shows that, unlike procurements that
are expected to exceed \$100,000, it is
not mandatory that the contracting
officer set aside an acquisition for
HUBZone small business concerns
before setting aside the requirement for
small businesses.

(4) SBA believes that progress in
fulfilling the various small business
goals, as well as other factors such as
the results of market research and the
acquisition history, should be
considered in making a decision as to
which program to use for the
acquisition.

This is not a significant regulatory
action and, therefore, was not subject to
review under Section 6(b) of Executive
Order 12866, Regulatory Planning and
Review, dated September 30, 1993. The
rule is not a major rule under 5 U.S.C.
804.

B. Regulatory Flexibility Act

This change may have a significant
economic impact on a significant
number of small entities within the
meaning of the Regulatory Flexibility
Act 5 U.S.C. 601, *et seq.*, because it will
clarify the relationship among various
small business programs with regard to
whether one has priority over another
for acquisition purposes. It has been
unclear to the acquisition community if
there is an order of precedence that
applies when deciding whether to
satisfy a requirement through an award
to small business, HUBZone small
business, service disabled veteran-
owned small business or a small
business participating in the 8(a)
Business Development Program. This
proposed rule will have both a negative
and positive impact on the 8(a) Business
Development Program, the HUBZone
Program, the Service-Disabled Veteran-
Owned Small Business Program and the
Small Business Program.