

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

Dated: December 22, 2006.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

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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 Section, Mitigation Division, 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 Mitigation Division Director of FEMA 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:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Person County, North Carolina and Incorporated Areas Docket No.: FEMA-D-7570, D-7582, and FEMA-D-7668			
Alderidge Creek	At the upstream side of Berry Road	+527	Person County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Satterfield Road	+536	
Alderidge Creek Tributary	At the confluence with Alderidge Creek	+530	Person County (Unincorporated Areas).
	Approximately 0.3 mile upstream of the confluence with Alderidge Creek.	+535	
Big Blue Wing Creek	Approximately 1,300 feet downstream of High View Church Road (State Route 1509).	+403	Person County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Tatum Road (State Route 1511).	+506	
Big Blue Wing Tributary 1	Approximately 2,000 feet downstream of Wind Dancer Lane ...	+399	Person County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately 0.4 mile upstream of Epps-Martin Road (State Route 1506).	+450	
Bowes Branch	At the Virginia/North Carolina State boundary	+361	Person County (Unincorporated Areas).
	Approximately 1,440 feet upstream of Virginia/North Carolina State boundary.	+368	
Bredlov Creek	At the confluence with Big Blue Wing Creek	+407	Person County (Unincorporated Areas).
	Approximately 1,400 feet upstream of the confluence with Big Blue Wing Creek.	+413	
Broachs Mill Creek	At the confluence with South Hyco Creek	+433	Person County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Hester's Store Road (State Route 1162).	+515	
Bushy Fork Creek	Approximately 600 feet downstream of Charlie Long Road	+571	Person County (Unincorporated Areas).
	Approximately 1.1 miles upstream of Bradsher Road	+616	
Bushy Fork Creek Tributary	At the confluence with Bushy Fork Creek	+606	Person County (Unincorporated Areas).
	Approximately 0.38 mile upstream of the confluence with Bushy Fork Creek.	+622	
Byrds Creek	Approximately 850 feet upstream of the confluence with South Flat River.	+546	Person County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with South Flat River.	+558	
Castle Creek	At the confluence with Hyco River	+360	Person County (Unincorporated Areas).
	Approximately 790 feet downstream of Shiloh Church Road (State Route 1322).	+394	
Cattail Branch	At the confluence with Big Blue Wing Creek	+428	Person County (Unincorporated Areas).
	Approximately 1,750 feet upstream of the confluence with Big Blue Wing Creek.	+437	
Cobbs Creek	Approximately 0.8 mile upstream of the confluence with Hyco Lake.	+414	Person County (Unincorporated Areas).
	At the Person/Caswell County boundary	+510	
Cub Creek Tributary 1	At the Person/Granville County boundary	+477	Person County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence of Cub Creek Tributary 2.	+499	
Cub Creek Tributary 2	At the confluence with Cub Creek Tributary 1	+490	Person County (Unincorporated Areas).
	Approximately 1,500 feet upstream of the confluence with Cub Creek Tributary 1.	+496	
Deep Creek	At the Person/Durham County boundary	+419	Person County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Mollie Moonie Road	+561	
Deep Creek Tributary	At the confluence with Deep Creek	+477	Person County (Unincorporated Areas).
	Approximately 2,000 feet upstream of the confluence with Deep Creek.	+485	
Deep Creek Tributary 2	At the confluence with Deep Creek	+516	Person County (Unincorporated Areas).
	Approximately 1,000 feet upstream of the confluence with Deep Creek.	+520	
Dial Creek	At the Person/Durham County boundary	+515	Person County (Unincorporated Areas).
	Approximately 400 feet upstream of the Person/Durham County boundary.	+519	
Flat River Tributary 5	At the confluence with Flat River	+474	Person County (Unincorporated Areas).
	At the Person/Durham County boundary	+496	
Ghents Creek	At the confluence with Hyco River	+367	Person County (Unincorporated Areas).
	Approximately 1,400 feet upstream of Edwin Robertson Road (State Route 1322).	+387	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Hyc0 River	Approximately 1.4 miles downstream of Railroad	+358	Person County (Unincorporated Areas).
Hyc0 River Tributary 1	At the Hyc0 Dam	+380	
	At the confluence with Hyc0 River	+380	Person County (Unincorporated Areas).
	Approximately 600 feet upstream of the confluence with Hyc0 River.	+380	
Lick Creek 1	At the upstream side of Ashley Road	+533	Person County (Unincorporated Areas).
Marlowes Creek	At the Person/Orange County boundary	+545	
	At the upstream side of Cavel Chub Lake Road	+469	Person County (Unincorporated Areas), City of Roxboro.
Marlowes Creek Tributary 1	Approximately 860 feet upstream of Depot Street	+610	
	At the confluence with Marlowes Creek	+469	Person County (Unincorporated Areas).
	Approximately 840 feet upstream of Chub Lake Road (State Route 1337).	+680	
Marlowes Creek Tributary 1A ...	At the confluence with Marlowes Creek Tributary 1	+490	Person County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Chub Lake Road (State Route 1337).	+656	
Marlowes Creek Tributary 2	At the confluence with Marlowes Creek	+552	Person County (Unincorporated Areas), City of Roxboro.
	Approximately 0.5 mile upstream of Broad Road (State Route 1534).	+617	
Mayo Creek	Approximately 740 feet downstream of Mayo Lake Road (State Route 1501).	+349	Person County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Denny's Store Road (State Route 1536).	+511	
Mayo Creek Tributary 14	At the confluence with Mayo Creek	+444	Person County (Unincorporated Areas).
	Approximately 1,300 feet upstream of the confluence with Mayo Creek.	+444	
Mayo Creek Tributary 15	At the confluence with Mayo Creek	+450	Person County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Mayo Creek.	+475	
Mill Creek	Approximately 400 feet downstream of Street's Store Road (State Route 1519).	+445	Person County (Unincorporated Areas).
	Approximately 530 feet upstream of Todd Road (State Route 1547).	+559	
North Flat River	Approximately 500 feet upstream of Paynes Tavern Road	+604	Person County (Unincorporated Areas).
North Flat River Tributary	Approximately 1.2 miles upstream of Paynes Tavern Road	+617	
	Just upstream of Railroad crossing	+542	City of Roxboro, Person County (Unincorporated Areas).
North Flat River Tributary 2	Approximately 1.0 mile upstream of U.S. HWY 158	+711	
	Approximately 600 feet upstream of the confluence with North Flat River.	+580	City of Roxboro, Person County (Unincorporated Areas).
North Flat River Tributary 3	Approximately 1.0 mile upstream of Industrial Drive	+701	
	At the confluence with North Flat River	+604	Person County (Unincorporated Areas).
North Flat River Tributary 5	Approximately 325 feet upstream of Noah Davis Road	+625	
	At the confluence with North Flat River Tributary	+582	Person County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with North Flat River Tributary.	+600	
North Flat River Tributary 7	At the confluence with North Flat River Tributary 2	+592	Person County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with North Flat River Tributary 2.	+607	
North Flat River Tributary 8	At the confluence with North Flat River Tributary 2	+595	Person County (Unincorporated Areas).
	Approximately 825 feet upstream of Hurdle Mills Road	+606	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
North Flat River Tributary 9	At the confluence with North Flat River Tributary 2	+608	Person County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with North Flat River Tributary 2.	+649	
Powells Creek	At the confluence with Hyco River	+367	Person County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Hyco River.	+367	
Rock Fork	At the confluence with Deep Creek	+445	Person County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Deep Creek.	+453	
Satterfield Creek	At the confluence with Storys Creek	+489	Person County (Unincorporated Areas).
	Approximately 0.9 mile upstream of confluence with Storys Creek.	+491	
South Flat River	At the upstream side of Jim Morton Road	+618	Person County (Unincorporated Areas).
South Flat River Tributary	Approximately 1.1 miles upstream of Jim Morton Road	+627	Person County (Unincorporated Areas).
	Approximately 100 feet upstream of the confluence with South Flat River.	+491	
	Approximately 500 feet upstream of U.S. HWY 501/State Route 57.	+508	
South Flat River Tributary 3	Approximately 0.3 mile upstream of the confluence with South Flat River.	+517	Person County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with South Flat River.	+522	
South Flat River Tributary 4	Approximately 1,400 feet upstream of the confluence with South Flat River.	+593	Person County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with South Flat River.	+602	
South Flat River Tributary 5	Approximately 1,200 feet upstream of the confluence with South Flat River.	+603	Person County (Unincorporated Areas).
South Hyco Creek	Approximately 575 feet upstream of Briggs Road	+617	Person County (Unincorporated Areas).
	At the upstream side of John Brewer Road (State Route 1343).	+415	
South Hyco Creek Tributary 2 ..	Approximately 1.0 mile upstream of State Highway 49	+543	Person County (Unincorporated Areas).
	At the confluence with South Hyco Creek	+516	
South Hyco Creek Tributary 8 ..	Approximately 1,900 feet upstream of the confluence with South Hyco Creek.	+553	Person County (Unincorporated Areas).
	At the confluence with South Hyco Creek	+540	
	Approximately 400 feet upstream of Jones Road (State Route 1100).	+602	Person County (Unincorporated Areas).
Storys Creek	At the confluence with Hyco River	+366	
	Approximately 1.2 miles upstream of City Lake Road (State Route 1336).	+489	City of Roxboro.
Tanyard Branch	At the downstream side of Railroad	+570	
	Approximately 1,300 feet upstream of North Morgan Street	+658	Person County (Unincorporated Areas).
Tar River	At the Person/Granville County boundary	+499	
	Approximately 0.5 mile upstream of Gentry Road	+551	Person County (Unincorporated Areas).
Tar River Tributary 5	At the confluence with the Tar River	+510	
	Approximately 150 feet upstream of Depot Street	+541	

Depth in feet above ground

* National Geodetic Vertical Datum

+ North American Vertical Datum

ADDRESSES**City of Roxboro**

Maps are available for inspection at the Roxboro City Planning Department, 105 South Lamar Street, Roxboro, North Carolina.

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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Person County (Unincorporated Areas)

Maps are available for inspection at the Person County Planning and Zoning Department, 20A Court Street, Roxboro, North Carolina.

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

Dated: December 22, 2006.

David I. Maurstad,

Director Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 050613158-5262-03; I.D. 090105A]

RIN 0648-AT48

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; emergency action; extension of effective period.

SUMMARY: This action reinstates a temporary final rule published on October 18, 2005. The regulations contained in the temporary rule, emergency action, published on October 18, 2005, at the request of the U.S. Food and Drug Administration (FDA) and that were subsequently extended on December 28, 2005, and again on June 30, 2006, expire on December 31, 2006. This temporary rule extends the closure through June 30, 2007. The FDA has determined that current oceanographic conditions and alga sampling data suggests that the northern section of the Temporary Paralytic Shellfish Poison (PSP) Closure Area remain closed to the harvest of bivalve molluscan shellfish and that the southern area remain

closed to the harvest of whole or roe-on scallops. NMFS is publishing the regulatory text associated with this closure in this temporary emergency rule in order to ensure that current regulations accurately reflect the codified text that has been modified and extended numerous times so that the public is aware of the regulations being extended through June 30, 2007.

DATES: The amendment to § 648.14 is effective from January 1, 2007, to June 30, 2007. The expiration date of the temporary emergency action published on June 30, 2006 (71 FR 37505), is extended to June 30, 2007. Comments must be received by February 5, 2007.

ADDRESSES: Copies of the small entity compliance guide, the emergency rule, the environmental assessment, and the regulatory impact review prepared for the October 18, 2005, reinstatement of the September 9, 2005, emergency action and subsequent extensions of the emergency action, are available from Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. These documents are also available via the internet at <http://www.nero.noaa.gov>.

Comments may be submitted by any of the following methods:

- *E-mail:* PSPclosure2@NOAA.gov. Include the subject line the following: "Comments on the October Emergency Rule for Area closures Due to PSP."
- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Paper, disk, or CD-ROM comments should be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on October PSP closure."
- *Fax:* (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Brian Hooker, Fishery Policy Analyst, phone: (978) 281-9220, fax: (978) 281-9135.

SUPPLEMENTARY INFORMATION:**Background**

This emergency closure was implemented at the request of the FDA after samples of shellfish from the inshore and offshore waters off of the coasts of New Hampshire and Massachusetts tested positive for the toxins (saxotoxins) that cause Paralytic Shellfish Poisoning (PSP). These toxins are produced by the algae *Alexandrium fundyense* that can form blooms commonly referred to as red tides. Red tide blooms, also known as harmful algal blooms (HABs), can produce toxins that accumulate in filter-feeding shellfish. Shellfish contaminated with the toxin, if eaten in large enough quantity, can cause illness or death from PSP.

On June 10, 2005, the FDA requested that NMFS close an area of Federal waters off the coasts of New Hampshire and Massachusetts to fishing for bivalve shellfish intended for human consumption. On June 16, 2005, NMFS published an emergency rule (70 FR 35047) closing the area recommended by the FDA, *i.e.*, the Temporary PSP Closure Area, through September 30, 2005. On July 7, 2005 (70 FR 39192), the emergency rule was modified to facilitate the testing of shellfish for the toxin that causes PSP by the FDA and/or FDA-approved laboratories through the issuance of a Letter of Authorization (LOA) from the Regional Administrator. On September 9, 2005 (70 FR 53580), the emergency regulation was once again modified by the division of the Temporary PSP Closure Area into northern and southern components. The northern area remained closed to the harvest of all bivalve molluscan shellfish while the southern component was reopened to the harvest of Atlantic surfclams and ocean quahogs but remained closed to the harvest of whole or roe-on scallops. The rule was extended as published on September 9, 2005, on October 3, 2005 (70 FR 57517), reinstated on October 18, 2005 (70 FR 60450) to correct a technical error, extended on December 28, 2005 (70 FR 76713), and subsequently on June 30, 2006 (71 FR 37505), through December