

3.565 tpswd for VOC and 4.813 tpswd for NO<sub>x</sub>. After partial allocation of the safety margin to the MVEB (1.321 tpswd VOC and 3.142 tpswd NO<sub>x</sub>), the remaining safety margins are 2.244 tpswd for VOC and 1.671 tpswd for NO<sub>x</sub>. Maine has not yet allocated the remaining safety margin to any source category under its maintenance plan, and the State will need to submit a SIP revision to amend its maintenance plan if in the future it decides to use any of the remaining safety margin. The 2016 MVEBs for Midcoast area are approvable because the MVEBs for NO<sub>x</sub> and VOC, including the allocated safety margins, when added to all other inventory sources, continue to maintain the total emissions at or below the attainment year inventory levels as required by the transportation conformity regulations.

#### **XI. Proposed Actions on Maine's Redesignation Requests, 175 Maintenance Plan SIP Revisions, and Associated MVEBs**

EPA is proposing to determine that both the Portland, Maine and the Midcoast, Maine, 8-hour ozone nonattainment areas have attained the 8-hour ozone NAAQS. EPA is also proposing to approve the redesignation of both the Portland, Maine and the Midcoast, Maine 8-hour ozone nonattainment areas from nonattainment to attainment for the 8-hour ozone NAAQS. EPA has evaluated the State of Maine's redesignation requests and determined that they meet the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. EPA believes that the redesignation requests and monitoring data demonstrate that these two areas have attained the 8-hour ozone standard. The final approval of this redesignation request would change the official designation for both the Portland, Maine and the Midcoast, Maine 8-hour ozone nonattainment areas from nonattainment to attainment for the 8-hour ozone standard.

EPA is proposing to approve the maintenance plan SIP revision and the 2016 MVEBs submitted by Maine for both the Portland, Maine and the Midcoast, Maine 8-hour ozone nonattainment areas in conjunction with the corresponding redesignation requests. EPA is proposing to approve the maintenance plan for both the Portland, Maine and the Midcoast, Maine 8-hour ozone nonattainment areas, because they meet the requirements of section 175A as described more fully above.

EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

#### **XII. Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Redesignation of an area to attainment under section 107(d)(3)(E) of the Clean Air Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on sources. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to affect the status of a geographical area, does not impose any new requirements on sources, or allows a state to avoid adopting or implementing other requirements, and does not alter the relationship or the distribution of power and responsibilities established in the Clean

Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Redesignation is an action that affects the status of a geographical area but does not impose any new requirements on sources. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### **List of Subjects**

##### *40 CFR Part 52*

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

##### *40 CFR Part 81*

Environmental protection, Air pollution control, National parks, Wilderness areas.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: October 8, 2006.

**Robert W. Varney,**

*Regional Administrator, EPA New England.*

[FR Doc. E6-17226 Filed 10-16-06; 8:45 am]

**BILLING CODE 6560-50-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **44 CFR Part 67**

[Docket No. FEMA-D-7676]

#### **Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA),

Department of Homeland Security, Mitigation Division.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs 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:** William R. Blanton, Jr., Engineering Management Section, Mitigation Division, 500 C Street SW., Washington, DC 20472, (202) 646-3151.

**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 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.

*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.* 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 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 13132, Federalism.* This rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This 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	
<b>Alexander County, North Carolina and Incorporated Areas</b>				
Beaver Branch .....	At the confluence with Lambert Creek .....	None	+1,087	Unincorporated Areas of Alexander County.
Big Branch .....	Approximately 500 feet upstream of SR 1307 .....	None	+1,161	Unincorporated Areas of Alexander County.
	At the confluence with Elk Shoals Creek .....	None	+894	
Catawba River .....	Approximately 600 feet upstream of SR 1619 .....	None	+1,057	Unincorporated Areas of Alexander County.
	Approximately 1.0 mile upstream of the confluence of Elk Shoals Creek.	None	+848	
Duck Creek .....	At the Alexander/Caldwell County boundary .....	None	+936	Unincorporated Areas of Alexander County.
	At the confluence of Middle Little River .....	None	+1,036	
Elk Shoals Creek .....	At the confluence with Holsclaw Creek .....	None	+1,157	Unincorporated Areas of Alexander County.
	Approximately 0.5 mile upstream of the confluence with Catawba River.	None	+848	
Tributary 1 .....	Approximately 400 feet upstream of SR 1631 .....	None	+989	Unincorporated Areas of Alexander County.
	At the confluence with Elk Shoals Creek .....	None	+883	
Tributary 2 .....	Approximately 0.5 mile upstream of the confluence with Elk Shoals Creek.	None	+896	Unincorporated Areas of Alexander County.
	At the confluence with Elk Shoals Creek .....	None	+889	
Glade Creek .....	Approximately 0.5 mile upstream of the confluence of Elk Shoals Creek.	None	+903	Unincorporated Areas of Alexander County.
	At the confluence with Lower Little River .....	None	+901	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD). +Elevation in feet (NAVD). # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 1 .....	Approximately 900 feet upstream of Rogers Lake Dam Upper.	None	+1,195	Unincorporated Areas of Alexander County, Town of Taylorsville.
	At the confluence with Glade Creek .....	None	+1,015	
Grassy Creek .....	Approximately 0.8 mile upstream of SR 1607 .....	None	+1,093	Unincorporated Areas of Alexander County.
	At the confluence with Lower Little River .....	None	+1,093	
Tributary 1 .....	Approximately 1,050 feet upstream of the confluence of Grassy Creek Tributary 2.	None	+1,185	Unincorporated Areas of Alexander County.
	At the confluence with Grassy Creek .....	None	+1,098	
Tributary 2 .....	Approximately 0.7 mile upstream of the confluence with Grassy Creek.	None	+1,122	Unincorporated Areas of Alexander County.
	At the confluence with Grassy Creek .....	None	+1,182	
Guys Branch .....	Approximately 0.7 mile upstream of SR 16 .....	None	+1,211	Unincorporated Areas of Alexander County.
	At the confluence with Elk Shoals Creek .....	None	+906	
Holsclaw Creek .....	Approximately 0.5 mile upstream of the confluence with Elk Shoals Creek.	None	+922	Unincorporated Areas of Alexander County.
	At the confluence with Duck Creek .....	None	+1,157	
Isaac Creek .....	Approximately 0.9 mile upstream of SR 1302 .....	None	+1,238	Unincorporated Areas of Alexander County.
	At the confluence with Upper Little River .....	None	+936	
Island Creek .....	Approximately 0.7 mile upstream of SR 1143 .....	None	+957	Unincorporated Areas of Alexander County.
	At the confluence with Catawba River .....	None	+851	
Jumping Run .....	Approximately 0.4 mile upstream of SR 1621 .....	None	+875	Unincorporated Areas of Alexander County.
	At the confluence with Rock Creek .....	None	+983	
Lambert Creek .....	Approximately 600 feet upstream of SR 127 .....	None	+1,099	Unincorporated Areas of Alexander County.
	At the confluence with Lower River .....	None	+1,087	
Tributary 1 .....	Approximately 700 feet upstream of confluence of Poplar Creek.	None	+1,180	Unincorporated Areas of Alexander County.
	At the confluence with Lambert Creek .....	None	+1,113	
Lower Little River .....	Approximately 800 feet upstream of SR 1307 .....	None	+1,174	Unincorporated Areas of Alexander County.
	At the confluence with Catawba River .....	None	+852	
Tributary 1 .....	Approximately 0.6 mile upstream of SR 1332 .....	None	+1,130	Unincorporated Areas of Alexander County.
	At the confluence with Lower Little River .....	None	+865	
Tributary 2 .....	Approximately 1.9 miles upstream of the confluence with Lower Little River.	None	+973	Unincorporated Areas of Alexander County.
	At the confluence with Lower Little River .....	None	+983	
Tributary 2A .....	Approximately 1,600 feet upstream of SR 1124 .....	None	+1,100	Unincorporated Areas of Alexander County.
	At the confluence with Lower Little River Tributary 2 ..	None	+1,085	
Tributary 3 .....	Approximately 1,650 feet upstream of the confluence with Lower Little River Tributary 2.	None	+1,122	Unincorporated Areas of Alexander County.
	At the confluence with Lower Little River .....	None	+995	
Tributary 4 .....	Approximately 1.4 miles upstream of SR 1110 .....	None	+1,093	Unincorporated Areas of Alexander County, Town of Taylorsville.
	At the confluence with Lower Little River .....	None	+1,022	
Middle Little River .....	Approximately 1,000 feet upstream of School Drive ...	None	+1,163	Town of Taylorsville. Unincorporated Areas of Alexander County.
	Approximately 300 feet downstream of SR 1137 .....	None	+935	
Tributary 2 .....	At the Alexander/Caldwell County boundary .....	None	+1,295	Unincorporated Areas of Alexander County.
	At the confluence with Middle Little River .....	None	+1,030	
	Approximately 0.7 mile upstream of the confluence with Middle Little River.	None	+1,036	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD). + Elevation in feet (NAVD). # Depth in feet above ground		Communities affected
		Effective	Modified	
Mountain Creek .....	Approximately 0.8 mile upstream of the confluence with Middle Little River.	+935	+936	Unincorporated Areas of Alexander County.
Muddy Fork Creek .....	Approximately 200 feet upstream of SR 1150 .....	None	+1,057	Unincorporated Areas of Alexander County, Town of Taylorsville.
	At the confluence with Lower Little River .....	None	+1,063	
Tributary 1 .....	Approximately 1.3 miles upstream of SR 1409 .....	None	+1,108	Unincorporated Areas of Alexander County, Town of Taylorsville.
	At the confluence with Muddy Fork Creek .....	None	+1,076	
Poplar Creek .....	Approximately 1.6 miles upstream of Old Wikesboro Road. At the confluence with Lambert Creek .....	None	+1,181	Town of Taylorsville
Rock Creek .....	Approximately 0.5 mile upstream of SR 1305 .....	None	+1,199	Unincorporated Areas of Alexander County.
	At the confluence with Middle Little River .....	None	+957	
Tributary 1 .....	At the confluence of Jumping Run .....	None	+983	Unincorporated Areas of Alexander County.
	At the confluence with Rock Creek .....	None	+957	
Spring Creek .....	Approximately 1,000 feet upstream of the confluence with Rock Creek. At the confluence with Lower Little River .....	None	+958	Unincorporated Areas of Alexander County.
Stirewalt Creek .....	Approximately 1.7 miles upstream of SR 1121 .....	None	+1,121	Unincorporated Areas of Alexander County.
	At the confluence with Lower Little River .....	None	+983	
Upper Little River .....	Approximately 750 feet upstream of East Main Avenue. At the confluence with Catawba River .....	None	+1,241	Town of Taylorsville.
White Creek .....	Approximately 1,600 feet upstream of Alexander/Caldwell County boundary. At the confluence with Holsclaw Creek .....	None	+936	Unincorporated Areas of Alexander County.
	At the confluence with Mill Timber Creek .....	None	+971	Unincorporated Areas of Alexander County.
	Approximately 0.9 mile upstream of SR 1303 .....	None	+1,157	
		None	+1,270	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

#### ADDRESSES

##### Town of Taylorsville:

Maps are available for inspection at the Alexander County Planning and Inspection Office, 332 1st Avenue Southwest, Taylorsville, North Carolina.

Send comments to The Honorable Guy Barriger, Mayor of the Town of Taylorsville, 67 Main Avenue Drive, Taylorsville, North Carolina 28681.

##### Unincorporated Areas of Alexander County

Maps are available for inspection at the Alexander County Planning and Inspection Office, 332 1st Avenue Southwest, Taylorsville, North Carolina.

Send comments to Mr. Larry Yoder, Chairman of the Alexander County Board of Commissioners, 621 Liledoun Road, Taylorsville, North Carolina 28681.

#### Avery County, North Carolina and Incorporated Areas

Anthony Creek .....	Approximately 140 feet upstream of Anthony Creek Road (SR 1362).	None	+1,720	Avery County (Unincorporated Areas).
	Approximately 1,100 feet upstream of Anthony Creek Road (SR 1362).	None	+1,753	
Bill White Creek .....	At the confluence with Linville River .....	None	+3,274	Avery County (Unincorporated Areas).
Cary Flat Branch .....	Approximately 1.2 miles upstream of the confluence with Linville River.	None	+3,331	Avery County (Unincorporated Areas).
	At the confluence with Wilson Creek .....	None	+2,047	
Clark Branch .....	Approximately 720 feet upstream of the confluence with Wilson Creek. At the confluence with Mill Timber Creek .....	None	+2,057	Avery County (Unincorporated Areas).
		None	+3,325	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD). +Elevation in feet (NAVD). # Depth in feet above ground		Communities affected
		Effective	Modified	
Crossnore Creek .....	Approximately 0.7 mile upstream of East Crossnore Drive.	None	+3,362	Avery County (Unincorporated Areas), Town of Crossnore.
	At the confluence with Mill Timber Creek .....	None	+3,323	
Gragg Prong Creek .....	Approximately 60 feet downstream of Henson Street	None	+3,408	Avery County (Unincorporated Areas).
	At the confluence with Lost Cove Creek .....	None	+1,702	
Harper Creek .....	Approximately 1,350 feet upstream of the confluence with Webb Creek.	None	+2,199	Avery County (Unincorporated Areas).
	At the Avery/Caldwell County boundary .....	None	+1,800	
Hull Branch .....	At the confluence of South Harper and North Harper Creeks.	None	+1,816	Avery County (Unincorporated Areas).
	At the confluence of South Harper Creek .....	None	+2,279	
Linville River (downstream) ..	Approximately 450 feet upstream of the confluence with South Harper Creek.	None	+2,285	Avery County (Unincorporated Areas).
	Approximately 0.3 mile downstream of the Avery/Burke County boundary.	None	+3,206	
Linville River (upstream) .....	Approximately 1.1 miles upstream of River Road .....	+3,576	+3,573	Avery County (Unincorporated Areas).
	Approximately 50 feet downstream of Highland Mist Road.	None	+3,695	
Lost Cove Creek .....	At the confluence of Big Grassy Creek .....	None	+3,834	Avery County (Unincorporated Areas).
	At the Avery/Caldwell County boundary .....	None	+1,580	
Mill Timber Creek .....	Approximately 2.1 miles upstream of the confluence with Gragg Prong Creek.	None	+1,947	Avery County (Unincorporated Areas).
	At the confluence with Linville River .....	None	+3,315	
Rockhouse Creek .....	Approximately 150 feet downstream of U.S. 221 .....	None	+3,362	Avery County (Unincorporated Areas).
	At the confluence with Lost Cove Creek .....	None	+1,580	
South Harper Creek .....	Approximately 0.5 mile upstream of the Avery/Caldwell County boundary.	None	+1,639	Avery County (Unincorporated Areas).
	At the confluence with Harper Creek .....	None	+1,816	
Stamey Branch .....	Approximately 320 feet upstream of the confluence of Hull Branch.	None	+2,284	Avery County (Unincorporated Areas).
	At the confluence with Linville River .....	None	+3,263	
Webb Creek .....	Approximately 0.6 mile upstream of the confluence with Linville River.	None	+3,281	Avery County (Unincorporated Areas).
	At the confluence with Gragg Prong Creek .....	None	+2,172	
West Fork Linville River .....	Approximately 475 feet upstream of Webb Creek Road.	None	+2,396	Avery County (Unincorporated Areas).
	Approximately 670 feet upstream of Joe Hartley Road	None	+3,684	
Wilson Creek .....	Approximately 0.4 mile upstream of Joe Hartley Road	None	+3,712	Avery County (Unincorporated Areas).
	At the Avery/Caldwell County boundary .....	None	+1,670	
	Approximately 500 feet upstream of the confluence with Cary Flat Branch.	None	+2,056	

\* National Geodetic Vertical Datum.  
# Depth in feet above ground.  
+ North American Vertical Datum.

**ADDRESSES**

**Avery County (Unincorporated Areas)**

Maps are available for inspection at the Avery County Courthouse, 100 Montezuma Street, Newland, North Carolina. Send comments to Mr. Kenny Poteat, Chairman of the Avery County Board of Commissioners, P.O. Box 640, Newland, North Carolina 28657.

**Burke County, North Carolina and Incorporated Areas**

Back Creek .....	At the confluence with Irish Creek .....	None	+1,116	Unincorporated Areas of Burke County.
------------------	------------------------------------------	------	--------	---------------------------------------

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD). +Elevation in feet (NAVD). # Depth in feet above ground		Communities affected
		Effective	Modified	
Bailey Fork .....	Approximately 0.5 mile upstream of the confluence with Irish Creek.	None	+1,135	Unincorporated Areas of Burke County, City of Morganton.
	Approximately 0.8 mile upstream of I-40 .....	None	+1,036	
Bristol Creek .....	Approximately 100 feet downstream of U.S. 64 .....	None	+1,047	Unincorporated Areas of Burke County.
	At the confluence with Lower Creek .....	None	+1,019	
Tributary 1 .....	Approximately 200 feet downstream of Burke/Caldwell County boundary.	None	+1,144	Unincorporated Areas of Burke County.
	At the confluence with Bristol Creek .....	None	+1,019	
Camp Creek .....	Approximately 0.4 mile upstream of the confluence with Bristol Creek.	None	+1,019	Unincorporated Areas of Burke County.
	At Burke/Catawba County boundary .....	None	+1,020	
Canoe Creek .....	Approximately 800 feet upstream of Burke/Catawba County boundary.	None	+1,023	Unincorporated Areas of Burke County, City of Morganton.
	At the confluence with Catawba River .....	+1,023	+1,024	
Carroll Creek .....	Approximately 0.4 mile upstream of SR 1254 .....	None	+1,289	Unincorporated Areas of Burke County.
	At the confluence with Parks Creek .....	None	+1,047	
Catawba River .....	Approximately 1,700 feet upstream of the confluence with Parks Creek.	None	+1,055	Unincorporated Areas of Burke County, City of Hickory, City of Morganton, Town of Glen Alpine, Town of Rhodhiss, Town of Rutherford College, Town of Valdese.
	At the Burke/Catawba County boundary .....	None	+936	
Tributary 1 .....	Approximately 2.7 miles upstream of Burke/McDowell County boundary.	None	+1,206	Unincorporated Areas of Burke County.
	At the confluence with Catawba River .....	None	+1,069	
Tributary 2 .....	Approximately 0.5 mile upstream of SR 1223 .....	None	+1,094	Unincorporated Areas of Burke County.
	At the confluence with Catawba River .....	None	+1,206	
Clear Creek .....	Approximately 2.8 miles upstream of the confluence with Catawba River.	None	+1,236	Unincorporated Areas of Burke County.
	Approximately 100 feet upstream of the confluence with Silver Creek.	None	+1,046	
Cub Creek .....	Approximately 400 feet upstream of U.S. 64 .....	None	+1,111	Unincorporated Areas of Burke County.
	At the confluence with Henry Fork .....	None	+996	
Double Branch .....	Approximately 1.0 mile upstream of SR 1001 .....	None	+1,230	Unincorporated Areas of Burke County, Town of Valdese.
	At the confluence with McGalliard Creek .....	None	+1,097	
Tributary 1 .....	Approximately 1,100 feet upstream of SR 1737 .....	None	+1,231	Unincorporated Areas of Burke County.
	At the confluence with Double Branch .....	None	+1,110	
Douglas Creek .....	Approximately 2,000 feet upstream of SR 1722 .....	None	+1,197	Unincorporated Areas of Burke County.
	Approximately 100 feet downstream of Burke/Catawba County boundary.	None	+1,046	
Drowning Creek .....	Approximately 1,400 feet upstream of Burke/Catawba County boundary.	None	+1,064	Unincorporated Areas of Burke County.
	At the confluence with Catawba River .....	None	+938	
Tributary 1 .....	Approximately 1.7 miles upstream of SR 1758 .....	None	+1,527	Town of Hildebran.
	Approximately 800 feet upstream of Wilson Road .....	None	+1,025	
Tributary 2 .....	Approximately 1,750 feet upstream of Cline Park Drive.	None	+1,103	Unincorporated Areas of Burke County.
	Approximately 0.4 mile downstream of SR 1680 .....	None	+1,045	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD). +Elevation in feet (NAVD). # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 2B .....	Approximately 200 feet downstream of Railroad .....	None	+1,079	Unincorporated Areas of Burke County.
	At the confluence with Drowning Creek Tributary 2 .....	None	+1,046	
Hall Creek .....	Approximately 150 feet downstream of Railroad .....	None	+1,077	Unincorporated Areas of Burke County.
	At the confluence with Silver Creek .....	None	1,119	
Henry Fork .....	Approximately 2,000 feet upstream of U.S. 64 .....	None	+1,203	Unincorporated Areas of Burke County.
	Approximately 200 feet downstream of the Burke/Catawba County boundary.	None	+930	
Howard Creek .....	Approximately 0.9 mile upstream of SR 1918 .....	None	+1,422	Unincorporated Areas of Burke County, Town of Drexel.
	At the confluence with Catawba River .....	None	+1,005	
Tributary 1 .....	Approximately 750 feet downstream of SR 1536 .....	None	+1,009	Unincorporated Areas of Burke County, Town of Drexel.
	Approximately 200 feet upstream of the confluence with Howard Creek.	-1,084	+1,085	
Hoyle Creek .....	Approximately 700 feet upstream of Railroad .....	None	+1,192	Unincorporated Areas of Burke County, Town of Rutherford College, town of Valdese.
	At the conference with Catwaba River .....	None	+1,005	
Tributary 1 .....	Approximately 1,600 feet upstream of the confluence of Micol Creek.	None	+1,081	Unincorporated Areas of Burke County, Town of Rutherford College, Town of Valdese.
	At the confluence with Hoyle Creek .....	None	+1,005	
Tributary 2 .....	Approximately 0.9 mile upstream of the confluence with Holy Creek.	None	+1,164	Unincorporated Areas of Burke County, Town of Rutherford College, Town of Valdese.
	At the confluence with Hoyle Creek .....	None	+1,005	
Hunting Creek .....	Approximately 0.7 mile upstream of the confluence with Hoyle Creek.	None	+1,106	Unincorporated Areas of Burke County, City of Morganton.
	At the conference with Catawba River .....	+1,005	+1,014	
Tributary 2 .....	Approximately 1,050 feet upsteam of SR 2002 .....	None	+1,149	Unincorporated Areas of Burke County, City of Morganton.
	Approximately 650 feet upstream of the confluecne with Hunting Creek.	None	+1,080	
Tributary 3 .....	Approximately 0.7 mile upstream of Walker Road .....	None	+1,151	Unincorporated Areas of Burke County City of Morganton.
	At the confluence with Hunting Creek .....	.....	+1,105	
Irish Creek .....	Approximately 0.4 mile upstream of the confluence with Hunting Creek.	None	+1,115	Unincorporated Areas of Burke County.
	At the confluence with Warrior Fork and Upper Creek	None	+1,030	
Tributary 1 .....	Approximately 900 feet upsteam of the confluence of Reedys Fork Creek.	None	-1,146	Unincorporated Areas of Burke County.
	At the confluence with Irish Creek .....	None	+1,108	
Island Creek .....	Approximately 50 feet downstream of SR 1240 .....	None	+1,227	Unincorporated Areas of Burke County.
	Approximately 1.0 mile upstream of the confluence with Catawba River.	None	+1,005	
Jacob Fork .....	Approximately 0.9 mile upsteam of I-40 .....	None	+1,331	Town of Connelly Springs, Town of Rutherford College.
	At Burke/Catawba County boundary .....	None	+1,047	
Johns River .....	Approximately 400 feet upstream of SR 1904 .....	None	+1,194	Unincorporated Areas of Burke County, City of Morganton.
	At the confluence with Catawba River .....	+1,004	+1,013	
	At Burke/Caldwell County boundary .....	None	+1,053	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD). +Elevation in feet (NAVD). # Depth in feet above ground		Communities affected
		Effective	Modified	
Laurel Creek .....	At the confluence with Henry Fork .....	None	+1,015	Unincorporated Areas of Burke County.
Linville River .....	Approximately 1.2 miles upstream of Shouppe Way ... At the confluence with Catawba River .....	None None	+1,302 +1,206	Unincorporated Area of Burke County.
Little Silver Creek .....	At Avery/Burke County boundary .....	None	+3,215	Unincorporated Areas of Burke County, City of Morganton, Town of Glen Alpine
	Approximately 0.6 mile upstream of Causby Road (SR 1147).	None	+1,115	
Lower Creek .....	Approximately 1.1 miles upstream of Ceramic Tile Drive. At the confluence with Catawba River .....	None	+1,126 +1,011	Unincorporated Areas of Burke County.
McGalliard Creek .....	At Burke/Caldwell County boundary .....	None	+1,028	Unincorporated Areas of Burke County, Town of Valdese.
	At the confluence with Catawba River .....	None	+1,005	
Tributary 1 .....	Approximately 450 feet upstream of SR 1722 .....	None	+1,212	Unincorporated Areas of Burke County, Town of Valdese.
	Approximately 300 feet upstream of the confluence with McGalliard Creek.	None	+1,062	
Tributary 2 .....	Approximately 1,900 feet upstream of Louise Avenue Northeast. Approximately 100 feet upstream of the confluence with McGalliard Creek.	None	+1,232 +1,089	Unincorporated Areas of Burke County, Town of Drexel.
Tributary 2A .....	Approximately 650 feet downstream of I-40 .....	None	+1,250	Unincorporated Areas of Burke County, Town of Drexel.
	At the confluence with McGalliard Creek Tributary 2 ..	None	+1,110	
Tributary 2B .....	Approximately 800 feet upstream of Drexel Road .....	None	+1,164	Unincorporated Areas of Burke County, Town of Drexel.
	At the confluence with McGalliard Creek Tributary 2 ..	None	+1,149	
Micol Creek .....	Approximately 200 feet downstream of SR 1721 .....	None	+1,205	Unincorporated Areas of Burke County, Town of Valdese.
	At the confluence with Hoyle Creek .....	None	+1,068	
Tributary 1 .....	Approximately 300 feet downstream of I-40 .....	None	+1,252	Unincorporated Areas of Burke County, Town of Rutherford College, Town of Valdese.
	At the confluence with Micol Creek .....	None	+1,117	
Tributary 1A .....	Approximately 0.5 mile upstream of Montanya View Drive. At the confluence with Micol Creek Tributary 1 .....	None	+1,526 +1,165	Unincorporated Areas of Burke County, Town of Rutherford College, Town of Valdese.
Tributary 1A1 .....	Approximately 100 feet downstream of SR 1001 .....	None	+1,229	Unincorporated Areas of Burke County, Town of Rutherford College.
	At the confluence with Micol Creek Tributary 1A .....	None	+1,169	
Muddy Creek .....	Approximately 1,800 feet upstream of Rutherford College Road. At the confluence with Old Catawba River .....	None	+1,229 +1,083	Unincorporated Areas of Burke County.
Nolden Creek .....	Approximately 0.4 mile upstream of Burke/McDowell County boundary. Approximately 1.0 mile upstream of the confluence with Catawba River.	None	+1,089 +1,004	Unincorporated Areas of Burke County, Town of Connelly Springs.
Old Catawba River .....	Approximately 0.9 mile upstream of SR 1614 .....	None	+1,201	Unincorporated Areas of Burke County.
	At the confluence with Catawba River .....	None	+1,066	
	At Catawba Dam .....	None	+1,098	



Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD). +Elevation in feet (NAVD). # Depth in feet above ground		Communities affected
		Effective	Modified	
Paddy Creek .....	At the confluence with Catawba River .....	None	+1,206	Unincorporated Areas of Burke County.
Parks Creek .....	Approximately 2.9 miles upstream of SR 1237 .....	None	+1,815	Unincorporated Areas of Burke County.
	At the confluence with Johns River .....	None	+1,044	
Pearcy Creek .....	Approximately 100 feet downstream of SR 1405 .....	None	+1,050	Unincorporated Areas of Burke County.
	At the confluence with Parks Creek .....	None	+1,046	
Tributary 1 .....	Approximately 1.1 miles upstream of SR 1405 .....	None	+1,154	Unincorporated Areas of Burke County.
	At the confluence with Pearcy Creek .....	None	+1,077	
Reedys Fork Creek .....	Approximately 50 feet downstream of SR 1405 .....	None	+1,116	Unincorporated Areas of Burke County.
	At the confluence with Irish Creek .....	None	+1,141	
Roses Creek .....	Approximately 0.5 mile upstream of the confluence with Irish Creek.	None	+1,159	Unincorporated Areas of Burke County.
	At the confluence with Irish Creek .....	None	+1,057	
Tributary 1 .....	Approximately 0.6 mile upstream of the confluence of Roses Creek Tributary 1.	None	+1,345	Unincorporated Areas of Burke County.
	At the confluence with Roses Creek .....	None	+1,297	
Russell Creek .....	Approximately 0.6 mile upstream of the confluence with Roses Creek.	None	+1,382	Unincorporated Areas of Burke County.
	At the confluence with Irish Creek .....	None	+1,115	
Secrets Creek .....	Approximately 1,550 feet upstream of SR 1241 .....	None	+1,209	Unincorporated Areas of Burke County, Town of Drexel.
	Approximately 150 feet upstream of the confluence with Howard Creek.	None	+1,011	
Silver Creek .....	Approximately 0.7 mile upstream of South Main Street.	None	+1,213	Unincorporated Areas of Burke County, City of Morganton.
	At the confluence with Catawba River .....	+1,022	+1,023	
Tributary 1 .....	Approximately 1,900 feet upstream of U.S. 64 .....	None	+1,226	City of Morganton.
	At the confluence with Silver Creek .....	+1,022	+1,023	
	Approximately 1,050 feet upstream of Golf Course Road.	None	+1,025	
Simpson Creek .....	At the confluence with Roses Creek .....	None	+1,089	Unincorporated Areas of Burke County.
Smokey Creek .....	Approximately 1.5 miles upstream of the confluence with Roses Creek.	None	+1,185	Unincorporated Areas of Burke County.
	At the confluence with Catawba River .....	None	+1,006	
Tributary 1 .....	At Burke/Caldwell County boundary .....	None	+1,100	Unincorporated Areas of Burke County.
	At the confluence with Smokey Creek .....	None	+1,043	
South Muddy Creek .....	Approximately 0.4 mile upstream of the confluence with Smokey Creek.	None	+1,079	Unincorporated Areas of Burke County.
	Approximately 1,200 feet downstream of Burke/McDowell County boundary.	None	+1,092	
Tributary 1 .....	At Burke/McDowell County boundary .....	None	+1,098	Unincorporated Areas of Burke County.
	At Burke/McDowell County boundary .....	None	+1,121	
Tims Creek .....	Approximately 1,000 feet upstream of Burke/McDowell County boundary.	None	+1,144	Unincorporated Areas of Burke County.
	At the confluence with Henry Fork .....	None	+977	
Upper Creek .....	Approximately 1.6 miles upstream of SR 1786 .....	None	+1,234	Unincorporated Areas of Burke County.
	At the confluence with Warrior Fork and Irish Creek ...	None	+1,030	
Warrior Fork .....	Approximately 0.5 mile upstream of SR 1405 .....	None	+1,093	Unincorporated Areas of Burke County, City of Morganton.
	At the confluence with Catawba River .....	+1,013	+1,018	
	At the confluence of Upper Creek and Irish Creek .....	None	+1,030	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD). +Elevation in feet (NAVD). # Depth in feet above ground		Communities affected
		Effective	Modified	
Wilson Creek .....	At the confluence with Warrior Fork .....	+1,013	+1,018	Unincorporated Areas of Burke County, City of Morganton.
	Approximately 0.7 mile upstream of the confluence with Warrior Fork.	+1,017	+1,018	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

#### ADDRESSES

##### City of Hickory

Maps are available for inspection at the Hickory City Hall, 76 North Center Street, Hickory, North Carolina.

Send comments to The Honorable G. Rudy Wright, Jr., Mayor of the City of Hickory, P.O. Box 398, Hickory, North Carolina 28603.

##### City of Morganton

Maps are available for inspection at the Morganton Town Hall, Community Development Department, 305 East Union Street, Morganton, North Carolina.

Send comments to The Honorable Mel Cohen, Mayor of the City of Morganton, P.O. Box 3448, Morganton, North Carolina 28680-3448.

##### Town of Connelly Springs

Maps are available for inspection at the Connelly Springs Town Hall, 1030 U.S. Highway 70, Connelly Springs, North Carolina.

Send comments to The Honorable Carl Greene, Mayor of the Town of Connelly Springs, P.O. Box 99, Connelly Springs, North Carolina 28612.

##### Town of Drexel

Maps are available for inspection at the Drexel Town Hall, 202 Church Street, Drexel, North Carolina.

Send comments to The Honorable Richard E. Propst, Mayor of the Town of Drexel, P.O. Box 1087, Drexel, North Carolina 28619.

##### Town of Glen Alpine

Maps are available for inspection at the Glen Alpine Town Hall, 103 Pitts Street, Glen Alpine, North Carolina.

Send comments to The Honorable Christine Abernathy, Mayor of the Town of Glen Alpine, P.O. Box 898, Glen Alpine, North Carolina 28628.

##### Town of Hildebran

Maps are available for inspection at the Hildebran Town Hall, 202 South Center Street, Hildebran, North Carolina.

Send comments to The Honorable Albert L. Parkhurst, Mayor of the Town of Hildebran, P.O. Box 87, Hildebran, North Carolina 28637.

##### Town of Rhodhiss

Maps are available for inspection at the Rhodhiss Town Hall, 200 Burke Street, Rhodhiss, North Carolina.

Send comments to The Honorable Jimmy Wilson, Mayor of the Town of Rhodhiss, P.O. Box 40, Rhodhiss, North Carolina 28667.

##### Town of Rutherford College

Maps are available for inspection at the Rutherford College Town Hall, 950 Malcolm Boulevard, Rutherford College, North Carolina.

Send comments to The Honorable Jim Hoffman, Sr., Mayor of the Town of Rutherford College, P.O. Box 406, Rutherford College, North Carolina 28671.

##### Town of Valdese

Maps are available for inspection at the Valdese Town Hall, 121 Faet Street, Valdese, North Carolina.

Send comments to The Honorable James Hatley, Mayor of the Town of Valdese, P.O. Box 339, Valdese, North Carolina 28690.

##### Unincorporated Areas of Burke County

Maps are available for inspection at the Burke County Planning and Development Department, 110 North Green Street, Morganton, North Carolina.

Send comments to Mr. Ron Lewis, Burke County Manager, P.O. Box 219, Morganton, North Carolina 28680.

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

Dated: October 4, 2006.

##### David I. Maurstad,

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

[FR Doc. E6-17254 Filed 10-16-06; 8:45 am]

BILLING CODE 9110-12-P

#### DEPARTMENT OF HOMELAND SECURITY

##### Federal Emergency Management Agency

##### 44 CFR Part 67

[Docket No. FEMA-P-7917]

##### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA), Department of Homeland Security, Mitigation Division.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs 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).