

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.
Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 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.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

| State/location | Community No. | Effective date of authorization/cancellation of sale of flood insurance in community | Current effective map date | Date certain Federal assistance no longer available in special flood hazard areas |
|---|---------------|--|----------------------------|---|
| Region III | | | | |
| Pennsylvania: | | | | |
| Masontown, borough of, Fayette County | 422572 | July 9, 1975, Emerg.; September 4, 1991, Reg.; February 2, 1995, Susp. | 2-2-95 | February 2, 1995. |
| Briar Creek, borough of, Columbia County. | 420340 | August 31, 1973, Emerg.; August 15, 1979, Reg.; February 16, 1995, Susp. | 2-16-95 | February 16, 1995. |
| Upper Dublin, township of, Montgomery County. | 420708 | August 18, 1972, Emerg.; January 3, 1979, Reg.; February 16, 1995, Susp. | 2-16-95 | Do. |
| Region V | | | | |
| Indiana: Allen County, unincorporated areas | 180302 | February 14, 1974, Emerg.; September 28, 1990, Reg.; February 16, 1995, Susp. | 2-16-95 | Do. |

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83-100, "Flood Insurance")

Issued: January 26, 1995.

Frank H. Thomas,

Deputy Associate Director, Mitigation Directorate.

[FR Doc. 95-2457 Filed 1-31-95; 8:45 am]

BILLING CODE 6718-21-P

44 CFR Part 64

[Docket No. FEMA-7609]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director,

Program Implementation Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

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.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive

Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

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1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR,

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

| State/location | Community No. | Effective date of authorization/cancellation of sale of flood insurance in community | Current effective map date |
|---|---------------|--|----------------------------|
| New Eligibles—Emergency Program | | | |
| Missouri: Dalton, village of, Chariton County | 290464 | December 2, 1994 | December 13, 1974. |
| New Eligibles—Regular Program | | | |
| Florida: DeBary, city of, Volusia County ¹ | 120672 | May 14, 1971, Emerg.; November 23, 1973, Reg ... | March 3, 1992. |
| North Carolina: Holly Springs, town of, Wake County. | 370403 | December 23, 1994, Reg | |
| Reinstatements—Regular Program | | | |
| Pennsylvania: Lower Chichester, township of, Delaware County. | 421604 | October 9, 1974, Emerg.; September 22, 1979, Reg.; September 3, 1992, Susp.; December 6, 1994, Rein. | September 30, 1993. |
| Minnesota: Dakota, city of, Winona County | 270526 | August 21, 1974, Emerg.; June 15, 1982, Reg.; June 15, 1982, Susp.; December 8, 1994, Rein. | June 15, 1992. |
| Alabama: Russell County, unincorporated areas | 010287 | February, 25 1976, Emerg.; September 16, 1981, Reg.; September 16, 1981, Susp.; December 28, 1994, Rein. | September 16, 1981. |
| Regular Program Conversions—Region IV | | | |
| Tennessee: | | | |
| Bartlett, city of, Shelby County | 470175 | December 2, 1994, suspension withdrawn | December 2, 1994. |
| Collierville, town of, Shelby County | 470263 |do | Do. |
| Germantown, city of, Shelby County | 470353 |do | Do. |
| Region V | | | |
| Illinois: | | | |
| Arlington Heights, village of, Cook and Lake Counties. | 170056 |do | Do. |
| Michigan: | | | |
| Marquette, city of, Marquette County | 260716 |do | Do. |
| Region V | | | |
| Illinois: | | | |
| Grundy County, unincorporated areas | 170256 | December 15, 1994, suspension withdrawn | December 15, 1994. |
| Region VI | | | |
| Oklahoma: | | | |
| Osage County, unincorporated areas | 400146 |do | Do. |

¹ This is a newly incorporated community, eligible 12-5-94, that was participating in the Regular Program as an unincorporated area of Volusia County (125155). The City has adopted the County's Flood Insurance Rate Map (FIRM), Flood Insurance Study (FIS) and ordinances for flood insurance and floodplain management purposes. (FIRM Panels 465, 475, 580 and 585).

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension, Rein.—Reinstatement. (Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: January 23, 1995.

Frank H. Thomas,

Deputy Associate Director, Mitigation Directorate.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 950111010-5010-01; I.D. 103194B]

Prohibition on the Intentional Lethal Take of Marine Mammals in Commercial Fishing Operations

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

ACTION: Final rule.

SUMMARY: The Marine Mammal Protection Act Amendments of 1994 established in section 118 a new management regime for the taking of marine mammals incidental to commercial fishing operations. Among other things, section 118 prohibits the intentional lethal taking of marine mammals in the course of commercial fishing operations. In partial implementation of section 118, NMFS amends the interim exemption currently in effect under section 114 to make the prohibition on intentional lethal takings fully applicable to all commercial fishing operations. All other provisions of the interim exemption remain in effect until superseded by further regulations.