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PART 185—[AMENDED]

2. In part 185:
 a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. In section 185.4350, by revising the table therein, to read as follows:

§ 185.4350 Myclobutanol.

* * * * *

Commodity	Parts per million
Plums, dried	8.0
Raisins	10.0

[FR Doc. 95-10861 Filed 5-2-95; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7616]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATE: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

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 aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Deputy Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

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 Deputy Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

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.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

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 eligibility	Current effective map date	Date certain federal assistance no longer available in special Flood Hazard Areas
Region I				
New Hampshire: Raymond, town of, Rockingham County.	330140	Oct. 15, 1975, Emerg.; Apr. 15, 1982, Reg.; May 2, 1995, Susp.	May 2, 1995	May 2, 1995.
Region III				
Pennsylvania:				
Juniata, township of, Huntingdon County.	421692	Feb. 4, 1976, Emerg.; Feb. 17, 1989, Reg.; May 2, 1995, Susp.	.....do	Do.
Upper Chichester, township of, Delaware County.	420439	Dec. 17, 1971, Emerg.; May 16, 1977, Reg.; May 2, 1995, Susp.	.....do	Do.
West Virginia: Mercer County, unincorporated areas.	540124	Dec. 23, 1975, Emerg.; Feb. 1, 1985, Reg.; May 2, 1995, Susp.	.....do	Do.
Region VI				
Louisiana: Farmerville, town of, Union Parish.				
Oklahoma:				
Bethany, city of, Oklahoma County.	400254	Jan. 17, 1975, Emerg.; July 31, 1979, Reg.; May 2, 1995, Susp.	.....do	Do.
Purcell, city of, McClain County.	400104	Nov. 21, 1975, Emerg.; July 2, 1981, Reg.; May 2, 1995, Susp.	.....do	Do.
Region I				
Connecticut: Prospect, town of, New Haven County.	090151	July 1, 1975, Emerg.; Feb. 4, 1977, Reg.; May 16, 1995, Susp..	May 16, 1995	May 16, 1995.
Region II				
New York: Hammondsport, village of, Steuben County.	360775	July 18, 1973, Emerg.; Apr. 17, 1978, Reg.; May 16, 1995, Susp.	.....do	Do.
Region III				
Pennsylvania: Huntingdon, borough of, Huntingdon County.	420486	Apr. 16, 1973, Emerg.; Sept. 29, 1978, Reg.; May 16, 1995, Susp.	.....do	Do.
Region IV				
Georgia: North High Shoals, town of, Oconee County.	130368	Oct. 28, 1983, Emerg.; Sept. 1, 1986, Reg.; May 16, 1995, Susp.	.....do	Do.
Region V				
Indiana: Shoals, town of, Martin County.	180166	May 27, 1975, Emerg.; Sept. 1, 1986, Reg.; May 16, 1995, Susp.	.....do	Do.
Ohio:				
Gilboa, village of, Putnam County.	390469	June 20, 1979, Emerg.; May 16, 1995, Reg.; May 16, 1995, Susp.	.....do	Do.
Metamora, village of, Fulton County.	390840	July 21, 1982, Emerg.; May 16, 1995, Reg.; May 16, 1995, Susp.	.....do	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: April 25, 1995.

Frank H. Thomas,

Deputy Associate Director, Mitigation Directorate.

[FR Doc. 95-10859 Filed 5-2-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217 and 227

[Docket No. 950427119-5119-01; I.D. 042495C]

RIN 0648-AH98

Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawling Activities; Additional Turtle Excluder Device Requirements Within Certain Statistical Zones

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

ACTION: Temporary additional restrictions on fishing by shrimp trawlers in nearshore waters along two sections of the Texas and Louisiana coast to protect sea turtles; request for comments.

SUMMARY: NMFS is temporarily imposing additional restrictions on fishing by shrimp trawlers in Gulf of Mexico offshore waters out to 10 nautical miles (nm) (18.5 km) from the COLREGS line, along 2 sections of the Texas and Louisiana coasts, between 27° N. lat. and 28° N. lat. and between 95°13' W. long. and 93°20.5' W. long. for a 30-day period. This area includes nearshore waters in shrimp fishery statistical zones 18 and 20, the western portion of zone 17 east to Calcasieu Pass, Louisiana and the extreme northeastern portion of Zone 19. The restrictions include prohibition of the use of soft turtle excluder devices (TEDs), the use of bottom opening TEDs, the use of webbing flaps that completely cover the escape opening of TEDs, and the use of try nets by shrimp trawlers, unless the try nets are equipped with NMFS-approved TEDs other than soft or bottom-opening TEDs. This action is necessary to prevent the continuation of high levels of mortality and strandings of threatened and endangered sea turtles.

DATES: This action is effective 12:01 a.m. (local time) on April 30, 1995, through 11:59 p.m. (local time) on May

29, 1995. Comments on this action must be submitted by May 30, 1995.

ADDRESSES: Comments on this action and requests for a copy of the environmental assessment (EA) or supplemental biological opinion (BO) prepared for this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, 813-570-5312, or Russell Bellmer, 301-713-1401.

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in United States (U.S.) waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

The incidental take and mortality of sea turtles, as a result of shrimp trawling activities have been documented in the Gulf of Mexico and along the Atlantic Seaboard. Under the ESA and its implementing regulations, taking sea turtles is prohibited, with exceptions set forth at 50 CFR 227.72. The incidental taking of turtles during shrimp trawling in the Gulf and Atlantic Areas is excepted from the taking prohibition, if the sea turtle conservation measures specified in the sea turtle conservation regulations (50 CFR part 227, subpart D) are employed. The regulations require most shrimp trawlers operating in the Gulf of Mexico and Southeast U.S. Atlantic to have a NMFS-approved TED installed in each net rigged for fishing, year round.

The conservation regulations provide a mechanism to implement further restrictions of fishing activities, if necessary to avoid unauthorized takings of sea turtles that may be likely to jeopardize the continued existence of listed species or that would violate the terms and conditions of an incidental take statement or biological opinion (50 CFR 227.72(e)(6)). Upon a determination that incidental takings of sea turtles during fishing activities are not authorized, additional restrictions will be imposed to conserve listed species. These restrictions are effective for a period of up to 30 days and may be

renewed for additional periods of up to 30 days each.

November 14, 1994—Biological Opinion

On November 14, 1994, NMFS issued a biological opinion (Biological Opinion), which concluded that the continued long term operation of the shrimp fishery in the nearshore waters of the southeastern U.S. was likely to jeopardize the continued existence of the highly endangered Kemp's ridley sea turtle. This Biological Opinion resulted from an ESA section 7 consultation that was reinitiated in response to the unprecedented number of dead sea turtles that stranded along the coasts of Texas, Louisiana, and Georgia in the spring and summer of 1994, coinciding with heavy nearshore shrimp trawling activity. Pursuant to section 7(b)(4) of the ESA, NMFS provided a reasonable and prudent alternative to the existing management measures that would allow the shrimp fishery to continue without jeopardizing the continued existence of the Kemp's ridley sea turtle. In addition, the Biological Opinion is accompanied by an incidental take statement, pursuant to section 7(b)(4)(i) of the ESA, that specifies the impact of such incidental taking on the species. The incidental take statement provides two levels to identify the expected incidental take of sea turtles by shrimp fishing. The incidental take levels are based upon either documented takes or indicated takes measured by stranding data. Stranding data are considered an indicator of lethal take in the shrimp fishery during periods in which intensive shrimping effort occurs and there are no significant or intervening natural or human sources of mortality other than shrimping conclusively identified as the cause of strandings.

NMFS has established an indicated take level (ITL) by identifying the weekly average number of sea turtle strandings documented in each NMFS statistical zone for the last three years (taking into consideration anomalous years). In Texas and Georgia, where strandings were anomalously high in 1994, the years 1991 through 1993 were used to determine historical levels. The weekly average was computed as a five-week running average (two weeks before and after the week in question) to reflect seasonally fluctuating events such as fishery openings and closures and turtle migrations. The ITL for each zone was set at two times the weekly three year stranding average. For weeks and zones where the historical average is less than one, the ITL has been set at two strandings.