

Provision	Federal authority	State authority
Listing of 1,1-Dimethylhydrazine Production Wastes (55 FR 18496; 05/02/90).	RCRA § 3001(b); 40 CFR 261.32 .....	ECL § 27-0903; 6NYCRR 371.4(b), (c), Appendices 21 and 22.
HSWA Codification Rule: Double Liners; Correction (Correction to Checklist 17H) (55 FR 19262; 05/09/90).	RCRA § 1006, 2002(a), 3004, 3005, and 3015(b); 40 CFR 264.221, and 264.301.	ECL § 3-0301, 27-0703, 0707, 0911, 0913; 6NYCRR 373-2.11(b), 373-2.14(c).

EPA has reviewed New York's application and has made an immediate final decision that New York's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to New York. The public may submit written comments on EPA's immediate

final decision up until July 29, 1995. Copies of New York's application for program revision are available for inspection and copying at the locations indicated in the ADDRESSES section of this Notice.

Approval of New York's program revision shall become effective 60 days after the date of publication of this Notice unless an adverse comment pertaining to the State's revision

discussed in this Notice is received. EPA will publish either (1) a withdrawal of the immediate final decision or (2) a Notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

New York is applying for final authorization of the following Federal hazardous waste requirements:

RCRA checklist	HSWA/FR reference	Promulgation or HSWA date
Non-HSWA Cluster VI:		
Delay of Closure Period for Hazardous Waste Management Facilities .....	54 FR 33376	08/14/89
Mining Waste Exclusion I .....	54 FR 36592	09/01/89
Testing and Monitoring Activities .....	54 FR 40260	09/29/89
Changes to Part 124 Not Accounted for by Present Checklists .....	54 FR 246	01/04/89
Mining Waste Exclusion II .....	55 FR 2322	01/23/90
Modifications to F019 Listing .....	55 FR 5340	02/14/90
Testing and Monitoring Activities (Technical Correction to Checklist 67) .....	55 FR 8948	03/09/90
HSWA Cluster II:		
Listing of 1,1 Dimethylhydrazine Production Wastes .....	55 FR 18496	05/02/90
HSWA Codification Rule: Double Liners; Correction (Correction to Checklist 17H) .....	55 FR 19262	05/09/90

New York has only applied for authorization for the above listed requirements as part of this particular **Federal Register** approval process.

**B. Decision**

The EPA concludes, subject to receipt and evaluation of public comment, that New York's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, EPA intends to grant New York final authorization to operate its hazardous waste program as revised.

**Compliance With Executive Order 12866**

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

**Certification Under the Regulatory Flexibility Act**

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal

regulations in favor of New York's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

**Authority:** This Notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 15, 1995.  
**William J. Muszynski,**  
*Acting Regional Administrator.*  
 [FR Doc. 95-15873 Filed 6-28-95; 8:45 am]  
 BILLING CODE 6560-50-P

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 64**

[Docket No. FEMA-7620]

**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 DATES:** 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]**

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 and location	Community No.	Effective dates of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
<b>Region II</b>				
New York: Evans, town of, Erie County .....	360240	April 21, 1972, Emerg; ..... September 30, 1977, Reg; ..... July 3, 1995, Susp.	July 3, 1995	July 3, 1995.
<b>Region III</b>				
Pennsylvania: Orbisonia, borough of, Huntingdon County.	421682	October 15, 1975, Emerg; ..... December 31, 1982, Reg; ..... July 3, 1995, Susp.	.....do	Do.
Virginia: Hampton, independent city .....	515527	March 27, 1970, Emerg; ..... January 15, 1971, Reg; ..... July 3, 1995, Susp.	.....do	Do.

State and location	Community No.	Effective dates of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
<b>Region V</b>				
Ohio: Malvern, village of, Carroll County .....	390052	May 14, 1975, Emerg; ..... July 3, 1995, Reg; ..... July 3, 1995, Susp.	.....do	Do.
<b>Region X</b>				
Oregon: Fairview, city of, Multnomah County.	410180	March 31, 1975, Emerg; ..... September 30, 1987, Reg; ..... July 3, 1995, Susp.	.....do	Do.
<b>Region II</b>				
New York: Oswego, town of, Oswego County .....	360657	December 16, 1976, Emerg; ..... September 30, 1981, Reg; ..... July 17, 1995, Susp.;	July 17, 1995	July 17, 1995.
Richland, town of, Oswego County .....	360660	March 21, 1974, Emerg; ..... February 15, 1978, Reg; ..... July 17, 1995, Susp.	.....do	Do.
Sandy Creek, town of, Oswego County .....	360661	August 18, 1975, Emerg; ..... October 15, 1981, Reg; ..... July 17, 1995, Susp.	.....do	Do.
<b>Region IV</b>				
Georgia: Glynn County, unincorporated areas ...	130092	January 16, 1974, Emerg; ..... April 15, 1995, Reg; ..... July 17, 1995, Susp.	.....do	Do.
South Carolina: Cayce, city of, Lexington County .....	450131	February 5, 1974, Emerg; ..... May 1, 1980, Reg; ..... July 17, 1995, Susp.	.....do	Do.
Lexington County, unincorporated areas .....	450129	September 6, 1974, Emerg; ..... June 15, 1981, Reg; ..... July 17, 1995, Susp.	.....do	Do.
West Columbia, city of, Lexington County ...	450140	December 6, 1973, Emerg; ..... February 15, 1979, Reg; ..... July 17, 1995, Susp.	.....do	Do.
<b>Region V</b>				
Minnesota: Andover, city of, Anoka County .....	270689	June 23, 1976, Emerg; ..... September 30, 1980, Reg; ..... July 17, 1995, Susp.	.....do	Do.
Ohio: Miami County, unincorporated areas .....	390398	April 1, 1976, Emerg; ..... January 19, 1983, Reg; ..... July 17, 1995, Susp.	.....do	Do.
<b>Region VI</b>				
Texas: Comal County, unincorporated areas .....	485463	March 5, 1971, Emerg; ..... November 9, 1973, Reg; ..... July 17, 1995, Susp.	.....do	Do.
Schertz, city of, Bexar County .....	480269	November 2, 1973; Emerg; ..... September 15, 1977, Reg; ..... July 17, 1995, Susp.	.....do	Do.
Sherman, city of, Grayson County .....	485509	May 22, 1970, Emerg; ..... June 4, 1971, Reg; ..... July 17, 1995, Susp.	.....do	Do.
<b>Region VII</b>				
Missouri: Hayti Heights, city of, Pemiscot County.	290277	March 20, 1975, Emerg; ..... June 15, 1981, Reg; ..... July 17, 1995, Susp.	.....do	Do.
Nebraska: Blair, city of, Washington County .....	310228	September 17, 1974, Emerg; ..... July 16, 1981, Reg; ..... July 17, 1995, Susp.	.....do	Do.
<b>Region X</b>				
Idaho: Coeur d'Alene, city of, Kootenai County ..	160078	June 25, 1975, Emerg; ..... September 2, 1982, Reg; ..... July 17, 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: June 23, 1995.

**Frank H. Thomas,**

*Deputy Associate Director, Mitigation Directorate.*

[FR Doc. 95-15976 Filed 6-28-95; 8:45 am]

BILLING CODE 6718-21-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 650

[Docket No. 950615156-5156-01; I.D. 050295A]

RIN 0648-A102

#### Atlantic Sea Scallop Fishery; Framework 5 Gear Restrictions

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement measures contained in Framework Adjustment 5 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery (FMP). This rule implements measures that prohibit limited access vessels, fishing under the days-at-sea (DAS) program, from using trawl nets, with the exception of vessels that have not used a scallop dredge since January 1, 1988, to the present, and requires all dredges to have a minimum number of rows of steel rings extending from the "after end" to the club stick. The intent is to protect against the overharvest of small, immature sea scallops.

**EFFECTIVE DATE:** July 31, 1995.

**ADDRESSES:** Copies of Amendment 4, its regulatory impact review, initial regulatory flexibility analysis (IRFA), the final supplemental environmental impact statement, and the supporting documents for Framework Adjustment 5 are available from Douglas Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (U.S. Route 1), Saugus, MA 01906-1097, telephone 617-231-0422.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 508-281-9273.

#### SUPPLEMENTARY INFORMATION:

##### Background

Amendment 4 to the FMP was implemented on March 1, 1994 (59 FR 2757, January 19, 1994). The

amendment established controls on total fishing effort through limited entry and a schedule of reductions in allowable time at sea. Although the amendment was approved, NMFS remains concerned about the near-term level of protection of small sea scallops. This concern is reflected in the Director's, Northeast Region, NMFS (Regional Director), approval letter to the New England Fishery Management Council (Council), dated November 5, 1993, that advised the Council that the Regional Director will be monitoring carefully the initial impact of the amendment on fishing mortality rates of small sea scallops. If fishing mortality rates increased beyond anticipated levels, the Council was expected to consider immediately, adjustments for implementation under the framework measure provisions of the amendment.

##### Ban on Trawl Nets

The final rule prohibits limited access vessels fishing under the DAS program from using trawl nets except for vessels that have not used a scallop dredge since January 1, 1988. The intended effect of this prohibition is to prevent current scallop dredge vessels from switching to trawl nets, a switch that would likely result in a significant increase in the harvest of small scallops in contravention of Amendment 4 objectives. Many of the current dredge operators have commented that the replacement of dredges with trawl nets, in the sea scallop fishery, may result in the further depletion of the resource. The Council's Scallop Plan Development Team supports this concern in its finding that the use of trawl nets tends to circumvent the limits on fishing gear selectivity intended by the regulatory 3¼ (83 mm) and 3½ inch (89 mm) minimum ring size restrictions for dredges. Furthermore, at least one study has shown that trawl nets are not as selective as dredges in regard to the harvest of smaller scallops and that larger numbers of smaller scallops are killed during landing, while on deck, or during or after discarding in the trawl fishery than in the dredge fishery.

For purposes of allowing traditional fishing practices to continue, as analyzed in connection with Amendment 4, Framework Adjustment 5 allows vessels that have not used a scallop dredge since January 1, 1988, to fish for scallops using trawl nets. This exemption will apply only to vessels for which an eligibility determination has been made in 1995. This criterion is intended to allow only those vessels that are incapable of towing dredges due to their lack of sufficient engine power and/or proper construction to

participate in the trawl net segment of the fishery. The number of such vessels is projected to be small and, therefore, allowing such vessels to continue to fish with trawl nets is anticipated not to have any significant impact on the stock.

##### Restrictions on Dredge Configuration

Amendment 4 prohibits the use of any material, device, or net or dredge configuration or design that results in obstructing the release of scallops that would have passed through a legal size net and dredge that did not use any such material, device, or net or dredge configuration or design. The Council is aware of a recent practice of running the twine top along the back of the dredge to the club stick. This practice limits the ability of the dredge to open up as the mesh stretches shut, thereby restricting the escapement of smaller scallops. Framework Adjustment 5 specifies the acceptable twine top configuration for dredges in use by limited access vessels under the DAS program. Specifically, the framework adjustment refines the dredge vessel gear restrictions to require that all dredges that are wider than 8 ft (2.44 m) and all dredges used on double-rigged vessels have at least seven rows (regardless of ring size) of nonoverlapping steel rings between the after end of the twine top and the club stick. Additionally, all single dredges of 8 ft (2.44 m) or less width must have at least four rows (regardless of ring size) of nonoverlapping steel rings between the after end of the twine top and the club stick.

##### Public Comment

The December 8, 1994, Council meeting was the first of the required public meetings under the framework adjustment process as announced in the **Federal Register** on December 2, 1994 (59 FR 61878). A draft document containing the proposed management measures and their rationale was available to the public on December 28, 1994, and mailed to 260 people, including those serving as scallop industry advisors to the Council. Two subsequent public hearings were held jointly with Council meetings occurring on January 12, 1995, and March 30, 1995. Five written sets of comments were received by the Council. Four commenters favored the framework, while one was opposed to an exemption for traditional net vessels.

Testimony provided by industry members and other interested parties mirrored the concern of the Council regarding net trawls, dredge configuration, and the taking of small