

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.554 is amended by alphabetically adding a commodity to the table in paragraph (a)(1) to read as follows:

§ 180.554 Kresoxim-methyl; tolerances for residues.

(a) *General.* (1) * * *

Commodity	Parts per million
* * *	* *
Vegetable, cucurbit, group 9	0.40
* * * * *	

[FR Doc. E6-14165 Filed 8-24-06; 8:45 am]

BILLING CODE 6560-50-S

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 64**

[Docket No. FEMA-7941]

Suspension of Community Eligibility

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

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 scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If 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 not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you want to determine whether a particular community was suspended on the suspension date,

contact the appropriate FEMA Regional Office.

FOR FURTHER INFORMATION CONTACT:

David Stearrett, Mitigation Division, 500 C Street, SW., Washington, DC 20472, (202) 646-2953.

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 NFIP, 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, FEMA has identified the Special Flood Hazard Areas (SFHAs) 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 identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA'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 Administrator 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 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were 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 Administrator 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 remedial action takes place.

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 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.

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.*

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 is revised 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]

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

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
Georgia:				
Glynn County, Unincorporated Areas ...	130092	January 16, 1974, Emerg; April 15, 1985, Reg; September 6, 2006, Susp.	09/06/2006	09/06/2006.
Jekyll Island, State Park Authority, Glynn County.	130201	February 25, 1974, Emerg; June 1, 1984, Reg; September 6, 2006, Susp.	do*	Do.
North Carolina:				
Alamance, Village of, Alamance County	370457	December 17, 1987, Emerg; December 17, 1987, Reg; September 6, 2006, Susp.	do	Do.
Almance County, Unincorporated Areas	370001	January 16, 1975, Emerg; December 1, 1981, Reg; September 6, 2006, Susp.	do	Do.
Burlington, City of, Alamance County ...	370002	April 18, 1975, Emerg; April 1, 1981, Reg; September 6, 2006, Susp.	do	Do.
Elon College, Town of, Alamance County.	370411	March 10, 1988, June 5, 1989, Reg; September 6, 2006, Susp.	do	Do.
Gibsonville, Town of, Alamance County	370387	June 23, 1975, Emerg; May 15, 1980, Reg; September 6, 2006, Susp.	do	Do.
Graham, City of, Alamance County	370283	June 30, 1976, Emerg; November 19, 1980, Reg; September 6, 2006, Susp.	do	Do.
Haw River, Town of, Alamance County	370003	August 25, 1975, Emerg; November 5, 1980, Reg; September 6, 2006, Susp.	do	Do.
Lee County, Unincorporated Areas	370331	October 4, 1978, Emerg; September 6, 1989, Reg; September 6, 2006, Susp.	do	Do.
Mebane, City of, Alamance County	370390	September 26, 1975, Emerg; November 5, 1980, Reg; September 6, 2006, Susp.	do	Do.
Sanford, City of, Lee County	370143	June 26, 1978, Emerg; September 6, 1989, Reg; September 6, 2006, Susp.	do	Do.
Swepsonville, Town of, Alamance County.	370073	July 31, 2001, Emerg; July 31, 2001, Reg; September 6, 2006, Susp.	do	Do.
Region V				
Illinois:				
Cherry Valley, Village of, Winnebago County.	170721	February 18, 1975, Emerg; March 16, 1981, Emerg; September 6, 2006, Susp.	do	Do.
Durand, Village of, Winnebago County	170789	June 25, 1975, Emerg; September 2, 1981, Emerg; September 6, 2006, Susp.	do	Do.
Loves Park, City of, Winnebago County	170722	February 23, 1973, Emerg; October 17, 1978, Emerg; September 6, 2006, Susp.	do	Do.
Machesney Park, Village of, Winnebago County.	171009	September 30, 1981, Emerg; September 30, 1981, Reg; September 6, 2006, Susp.	do	Do.
Pecatonica, Village of, Winnebago County.	170797	July 14, 1978, Emerg; December 1, 1981, Reg; September 6, 2006, Susp.	do	Do.
Rockford, City of, Winnebago County ...	170723	February 9, 1973, Emerg; December 4, 1979, Reg; September 6, 2006, Susp.	do	Do.
Rockton, Village of, Winnebago County	170774	July 7, 1975, Emerg; October 15, 1981, Reg; September 6, 2006, Susp.	do	Do.
Roscoe, Village of, Winnebago County	170724	June 11, 1974, Emerg; March 1, 1982, Reg; September 6, 2006, Susp.	do	Do.
Winnebago County, Unincorporated Areas.	170720	February 16, 1973, Emerg; November 19, 1980, Reg; September 6, 2006, Susp.	do	Do.
Region IX				
California:				
Healdsburg, City of, Sonoma County	060378	May 20, 1974, Emerg; March 4, 1980, Reg; September 6, 2006, Susp.	do	Do.
Sonoma County, Unincorporated Areas	060375	August 27, 1971, Emerg; January 20, 1982, Reg; September 6, 2006, Susp.	do	Do.

*—do— = Ditto.

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

Dated: August 17, 2006.

David I. Maurstad,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 223

[Docket No. 050315074-6117-02; I.D.
022405B]

RIN 0648-AS92

Endangered and Threatened Wildlife; Sea Turtle Conservation

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to require sea turtle conservation measures for all sea scallop dredge vessels fishing south of 41° 9.0' N. latitude from May 1 through November 30 each year. All vessels with a sea scallop dredge and that are required to have a Federal Atlantic sea scallop fishery permit, regardless of dredge size or vessel permit category, must modify their dredge(s) when fishing south of 41° 9.0' N. latitude, from the shoreline to the outer boundary of the Exclusive Economic Zone (EEZ). This action is necessary to help reduce mortality and injury to endangered and threatened sea turtles in scallop dredge gear and to conserve sea turtles listed under the Endangered Species Act (ESA). Any incidental take of threatened sea turtles in sea scallop dredge gear in compliance with this gear modification requirement and all other applicable requirements will be exempted on the ESA's prohibition against takes.

DATES: Effective September 25, 2006.

ADDRESSES: Copies of the
Environmental Assessment (EA) and
Regulatory Impact Review/Final
Regulatory Flexibility Analysis (RIR/
FRFA) prepared for this final rule may
be obtained by writing to Ellen Keane,
NMFS, Northeast Region, One
Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT:
Ellen Keane (ph. 978-281-9300 x6526,
fax 978-281-9394, email
ellen.keane@noaa.gov) or Barbara
Schroeder (ph. 301-713-1401, fax 301-

713-0376, email
barbara.schroeder@noaa.gov).

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in 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*) sea turtles are listed as endangered. The loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) sea turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico that are listed as endangered. Due to the inability to distinguish between these populations of green turtles away from the nesting beach, NMFS considers green sea turtles endangered wherever they occur in U.S. waters. Kemp's ridley, hawksbill, loggerhead, and green sea turtles are hard-shelled sea turtles. The incidental take, both lethal and non-lethal, of loggerhead and unidentified hard-shelled sea turtles as a result of scallop dredging has been documented in the sea scallop dredge fishery. In addition, non-lethal takes of a green and a Kemp's ridley sea turtle have been documented in this fishery.

This action, taken under the authority of section 4(d) of the ESA, is necessary to provide for the conservation of threatened loggerhead sea turtles, and will have ancillary benefits for Kemp's ridley and green sea turtles, which have been observed taken in the sea scallop dredge fishery, albeit to a lesser extent than loggerheads. Under the ESA and its implementing regulations, taking endangered sea turtles - even incidentally - is prohibited. The incidental take of endangered species may only legally be exempted by an incidental take statement or an incidental take permit issued pursuant to section 7 or 10 the ESA, respectively. Existing sea turtle conservation regulations at 50 CFR 223.206(d) exempt fishing activities and scientific research from the prohibition on takes of threatened species under certain conditions. Any incidental take of threatened loggerhead sea turtles in sea scallop dredge gear in compliance with this gear modification requirement and other applicable requirements is exempted from the prohibition against takes. Additional background information for this action is included in the preamble to the proposed rule (70 FR 30660, May 27, 2005).

Based on the available information, NMFS has determined that the use of a

dredge modified with a chain mat will prevent most, if not all, captures of sea turtles in the dredge bag as well as any ensuing injuries as a result of being caught in the dredge (e.g., crushing in the dredge bag, crushing on deck, etc.). In addition, it is possible that this action may reduce drowning due to forced submergence following an interaction with sea scallop dredge gear on the seafloor. Sea turtles observed captured in the scallop dredge fishery in 2003 ranged in size from 55 107 cm (21.6 - 42.1 inches) from notch to tip (curved carapace length). When converted to straight carapace length (SCL) based on the formula for loggerheads provided in Teas (1993), the size range of the loggerhead sea turtles observed captured in the fishery in 2003 is 51-100 cm (20.1 - 39.4 inches). NMFS reviewed size at stage data for Atlantic loggerheads. Depending on the dataset used, the cutoff between pelagic immature and benthic immature loggerhead sea turtles was 42-49 cm (16.5 - 19.3 inches) SCL, and the cutoff between benthic immature and sexually mature loggerhead sea turtles was described as 83 90 cm (32.7 - 35.4 inches) SCL (NMFS SEFSC, 2001). Other authors define the benthic immature stage for loggerheads as 36 100 cm (14.2 - 39.4 inches) (Bass *et al.*, 2004). Based on these datasets and observer measurements of loggerhead sea turtles captured in the sea scallop dredge fishery, NMFS anticipates that both benthic immature and sexually mature loggerhead sea turtles are captured in this fishery. NMFS recognizes that, on rare occasions, sea turtles that interact with the modified gear may be small enough to enter the dredge bag, and that this interaction may result in the capture of the sea turtle in the bag. However, NMFS expects this to be a rare occurrence based on the life history of loggerhead sea turtles and the observer measurements.

This action requires all vessels with a sea scallop dredge and that are required to have a Federal Atlantic sea scallop fishery permit, regardless of dredge size or vessel permit category, to modify their dredge(s) with a chain mat configuration when fishing south of 41° 9.0' N. latitude (lat.) from the shoreline to the outer boundary of the EEZ.

New Information

On May 27, 2005, NMFS published a proposed rule to require the modification of sea scallop dredge gear for Federally-permitted vessels fishing in the mid-Atlantic. Comments on this proposed action were requested through June 27, 2005. Since the publication of