

Loading of the pyrotechnics onto the fireworks barges is scheduled to commence at 8:30 a.m. on July 2, 2007, and will take place at Tahoe Keys Marina in South Lake Tahoe, California. Towing of the barges from Tahoe Keys Marina to the display location is scheduled to take place between 9:30 a.m. and 3 p.m. on July 4, 2007. During the fireworks display, scheduled to commence at approximately 9:45 p.m. on July 4, 2007, the fireworks barge will be located approximately 1,500 feet off of the shore line of South Lake Tahoe in position 38°57'56" N, 119°57'21" W. The fireworks display is scheduled to last approximately thirty minutes.

(3) The third fireworks show is in the waters of Lake Tahoe on Glenbrook Bay. Loading of the pyrotechnics onto the fireworks barge is scheduled to commence at 9 a.m. on July 3, 2007, and will take place at Obexers Marina in Homewood, California. Towing of the barge from Obexers Marina to the display location is scheduled to take place between 1 p.m. and 5 p.m. on July 3, 2007. The barge will be anchored overnight. During the fireworks display, scheduled to commence at approximately 9:30 p.m. on July 4, 2007, the fireworks barge will be located approximately 600 feet off of the shore line of Glenbrook, Nevada on Glenbrook Bay in position 39°05'23" N, 119°56'39" W. The fireworks display is scheduled to last approximately eighteen minutes.

(b) *Effective Period.* This section will be enforced from 5 a.m. on July 1, 2007, to 10:15 p.m. on July 4, 2007. If the event concludes prior to the scheduled termination time, the Coast Guard will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within these safety zones by all vessels and persons is prohibited, unless specifically authorized by the Captain of the Port San Francisco, or his designated representative.

(d) *Enforcement.* All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port, or the designated on-scene patrol personnel. Patrol personnel can be comprised of commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. The U.S. Coast Guard may be assisted in the patrol and

enforcement of these safety zones by local law enforcement as necessary.

Dated: June 13, 2007.

W.J. Uberti,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA-7979]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

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 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 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 Directorate, Federal Emergency Management Agency, 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. 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 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 date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region III				
Virginia: Culpeper, Town of, Culpeper County	510042	June 16, 1975, Emerg, March 2, 1989, Reg, June 18, 2007, Susp.	June 18, 2007 ..	June 18, 2007.
Region VIII				
Utah:				
Bountiful, City of, Davis County	490039	July 19, 1973, Emerg, September 29, 1978, Reg, June 18, 2007, Susp.	do	Do.
Centerville, City of, Davis County	490040	July 24, 1975, Emerg, March 1, 1982, Reg, June 18, 2007, Susp.	do	Do.
Clearfield, City of, Davis County	490041	November 7, 1974, Emerg, February 20, 1979, Reg, June 18, 2007, Susp.	do	Do.
Davis County, Unincorporated Areas	490038	April 22, 1975, Emerg, March 1, 1982, Reg, June 18, 2007, Susp.	do	Do.
Farmington, City of, Davis County	490044	May 13, 1975, Emerg, August 17, 1981, June 18, 2007, Susp.	do	Do.
Fruit Heights, City of, Davis County	490045	May 11, 1977, Emerg, August 17, 1981, Reg, June 18, 2007, Susp.	do	Do.
Kaysville, City of, Davis County	490046	April 18, 1975, Emerg, March 1, 1982, Reg, June 18, 2007, Susp.	do	Do.
Layton, City of, Davis County	490047	December 13, 1974, Emerg, December 1, 1982, Reg, June 18, 2007, Susp.	do	Do.
North Salt Lake, City of, Davis County	490048	May 30, 1975, Emerg, August 29, 1978, Reg, June 18, 2007, Susp.	do	Do.
South Weber, City of, Davis County	490049	November 8, 1974, Emerg, September 12, 1978, Reg, June 18, 2007, Susp.	do	Do.
Sunset, City of, Davis County	490050	March 11, 1975, Emerg, November 21, 1978, Reg, June 18, 2007, Susp.	do	Do.
West Bountiful, City of, Davis County ...	490052	July 2, 1975, Emerg, August 3, 1981, Reg, June 18, 2007, Susp.	do	Do.
Woods Cross, City of, Davis County	490054	June 12, 1975, Emerg, August 29, 1978, Reg, June 18, 2007, Susp.	do	Do.

*do = Ditto.

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

Dated: June 12, 2007.

Michael K. Buckley,

*Deputy Assistant Administrator for
Mitigation, Department of Homeland
Security, Federal Emergency Management
Agency.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 0612242865-7168-01; I.D.
092506A]

RIN 0648-AU90

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan

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

ACTION: Final rule.

SUMMARY: NMFS revises regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP) by expanding the Southeast U.S. Restricted Area and modifying regulations pertaining to gillnetting within the Southeast U.S. Restricted Area. NMFS prohibits gillnet fishing or gillnet possession during annual restricted periods associated with the right whale calving season. Limited exemptions to the fishing prohibitions are provided for gillnet fishing for sharks and for Spanish mackerel south of 29°00' N. lat. An exemption to the possession prohibition is provided for transiting through the area if gear is stowed in accordance with this final rule. This action is required to meet the goals of the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). This action is necessary to protect northern right whales from serious injury or mortality from entanglement in gillnet gear in their calving area in Atlantic Ocean waters off the Southeast U.S.

DATES: This final rule is effective July 25, 2007.

ADDRESSES: Requests for copies of this final rule should be addressed to Chief, Marine Mammal Branch, Attn: Right Whale Gillnet Rule, Protected Resources, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701. Copies of the Environmental Assessment (EA), Final Regulatory Flexibility Analysis

(FRFA), and copies of all citations referenced in this final rulemaking may be obtained from the persons listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT:

Laura Engleby, 727-824-5312, Barb Zoodmsa, 904-321-2806, or Nancy Young, 727-824-5607.

Electronic Access: Regulations, compliance guides, and background documents for the ALWTRP can be downloaded from the ALWTRP web site at <http://www.nero.noaa.gov/whaletrp/>.

SUPPLEMENTARY INFORMATION:

Background

NMFS published a proposed rule on November 15, 2006 (71 FR 66482), to permanently prohibit gillnet fishing in portions of the Southeast U.S. to protect right whales from entanglement in gillnet gear during their annual calving season. The proposed rule included prohibitions on gillnet fishing and possession, with some exemptions. A detailed description of the proposed management measures and supporting background information and analysis is included in the proposed rule (71 FR 66482, November 15, 2006).

NMFS would like to highlight that this action removes the definitions of “Shark gillnetting,” “Strikenet or to fish with strikenet gear,” and “To strikenet for sharks” from 50 CFR 229.2. The revised ALWTRP regulations are based on gear characteristics, and NMFS believes the regulations do not need to rely on these definitions.

NMFS requested public comment on the proposed rule and provided a 30 day public comment period. NMFS received requests from the public to extend the comment period, and on January 16, 2007, NMFS published a notice in the **Federal Register** reopening the comment period for an additional 15 days (72 FR 1689). In that notice, NMFS announced that all comments received during the period November 15, 2007, through January 31, 2007, would be considered in this rulemaking. Below, we summarize the public comments received, our responses to those comments, and a change made to the proposed regulations based on the comments.

Comments on the Notice of Proposed Rulemaking and Responses

NMFS received 4,571 comments on the proposed rule from fishery management agencies and commissions of southeastern U.S. states, the Marine Mammal Commission (MMC), environmental organizations, commercial fishing organizations,

commercial and recreational fishermen, and interested members of the public. NMFS received these comments in the form of electronic mail, letters, and facsimile. Of those, 4,544 were identical, or slightly modified, form letters expressing support for the proposed rule, and 27 contained substantive comments on specific measures or components of the proposed rule. NMFS did not receive any comments on the removal of strikenet definitions. In the text below, NMFS provides a summary of the comments, recommendations, and issues raised that relate to the measures in this rulemaking, provides responses to them, and identifies changes to the proposed regulations. Comments not relevant to this rulemaking, such as those pertaining to the February 16, 2006, temporary rule; the November 15, 2006, emergency rule; and process-related comments relative to the ALWTRP's Southeast (SE) Subgroup meeting were read and considered but are not being discussed in this document addressing the proposed and final rule.

Comment 1: Several commenters stated that gillnet fishing gear is dangerous to right whale mothers and calves. These commenters urged that the proposed rule be finalized, citing the right whale's extremely low abundance estimates and stating that the loss of even one animal contributes to the risk of extinction. Several of these commenters indicated that the loss of right whales has implications throughout the ecosystem. Others emphasized that it is NMFS' responsibility to protect this species and prevent its extinction.

Response: NMFS agrees that gillnet fishing gear can be dangerous to right whale calves, as demonstrated by the January 22, 2006, right whale calf mortality, which occurred as a result of entanglement in gillnet gear allowed to be used in the Southeast U.S. Restricted Area during the restricted period. NMFS also agrees that estimates of right whale abundance are low, that the loss of one right whale may potentially have implications for the right whale population and its ecosystem (see response to Comment 2), and that NMFS has a responsibility to protect right whales. The purpose of this final rule is to protect right whales from the threat of entanglement in gillnet gear by implementing, with revisions, existing ALWTRP regulations promulgated in 1997 under the MMPA that require the Assistant Administrator for Fisheries (AA) to close the Southeast U.S. Restricted Area to gillnet gear during the annual restricted period unless the AA