

isoxaflutole 5-cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethylbenzoyl) isoxazole and

its metabolite 1-(2-methylsulfonyl-4-trifluoromethylphenyl)-2-cyano-3-cyclopropyl propan-1,3-dione (RPA

202248), calculated as the parent compound, in or on the following raw agricultural commodities:

Commodity	Parts per million
Corn, field, forage .....	0.04
Corn, field, grain .....	0.02
Corn, field, stover .....	0.02

\* \* \* \* \*  
 [FR Doc. E8-29467 Filed 12-11-08; 8:45 am]  
 BILLING CODE 6560-50-S

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

[Docket No. FEMA-8053]

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

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or 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
<b>Region III</b>				
Virginia:				
Goochland County, Unincorporated Areas.	510072	April 19, 1973, Emerg; March 1, 1979, Reg; December 2, 2008, Susp.	Dec. 2, 2008 .....	Dec. 2, 2008.
Hanover County, Unincorporated Areas	510237	April 4, 1974, Emerg; September 2, 1981, Reg; December 2, 2008, Susp.	.....*do .....	Do.
<b>Region IV</b>				
North Carolina:				
Avery County, Unincorporated Areas ....	370010	February 12, 1976, Emerg; September 28, 1990, Reg; December 2, 2008, Susp.	.....do .....	Do.
Banner Elk, Town of, Avery County .....	370011	November 13, 1974, Emerg; January 15, 1988, Reg; December 2, 2008, Susp.	.....do .....	Do.
Beech Mountain, Town of, Watauga County.	370480	—, Emerg; March 12, 2004, Reg; December 2, 2008, Susp.	.....do .....	Do.
Crossnore, Town of, Avery County .....	370287	January 14, 1980, Emerg; August 19, 1986, Reg; December 2, 2008, Susp.	.....do .....	Do.
Elk Park, Town of, Avery County .....	370382	March 23, 1979, Emerg; April 15, 1986, Reg; December 2, 2008, Susp.	.....do .....	Do.
Newland, Town of, Avery County .....	370012	September 17, 1975, Emerg; December 4, 1984, Reg; December 2, 2008, Susp.	.....do .....	Do.
Tennessee:				
Adamsville, Town of, McNairy County ..	470292	March 30, 1982, Emerg; September 29, 1986, Reg; December 2, 2008, Susp.	.....do .....	Do.
Michie, City of, McNairy County .....	470336	September 14, 2006, Emerg; December 1, 2006, Reg; December 2, 2008, Susp.	.....do .....	Do.
Ramer, Town of, McNairy County .....	470131	July 17, 2002, Emerg; November 1, 2005, Reg; December 2, 2008, Susp.	.....do .....	Do.
<b>Region V</b>				
Michigan:				
Caseville, Township of, Huron County ..	260257	November 9, 1973, Emerg; December 1, 1977, Reg; December 2, 2008, Susp.	.....do .....	Do.
Caseville, Village of, Huron County .....	260677	May 28, 1982, Emerg; January 1, 1992, Reg; December 2, 2008, Susp.	.....do .....	Do.
Elkton, Village of, Huron County .....	260569	September 3, 1981, Emerg; May 25, 1984, Reg; December 2, 2008, Susp.	.....do .....	Do.
Fairhaven, Township of, Huron County	260628	August 12, 1975, Emerg; January 6, 1988, Reg; December 2, 2008, Susp.	.....do .....	Do.
Gore, Township of, Huron County .....	260785	December 16, 1986, Emerg; September 18, 1987, Reg; December 2, 2008, Susp.	.....do .....	Do.
Hume, Township of, Huron County .....	260792	January 29, 1987, Emerg; September 18, 1987, Reg; December 2, 2008, Susp.	.....do .....	Do.
Huron, Township of, Huron County .....	260415	July 15, 1987, Emerg; April 2, 1992, Reg; December 2, 2008, Susp.	.....do .....	Do.
Lake, Township of, Huron County .....	260254	January 30, 1974, Emerg; April 3, 1978, Reg; December 2, 2008, Susp.	.....do .....	Do.
McKinley, Township of, Huron County ..	260322	November 26, 1974, Emerg; July 1, 1987, Reg; December 2, 2008, Susp.	.....do .....	Do.
Oliver, Township of, Huron County .....	261312	December 4, 2002, Emerg; —, Reg; December 2, 2008, Susp.	.....do .....	Do.
Port Austin, Township of, Huron County	260290	April 17, 1974, Emerg; January 1, 1992, Reg; December 2, 2008, Susp.	.....do .....	Do.
Rubicon, Township of, Huron County ...	260789	December 22, 1986, Emerg; September 30, 1988, Reg; December 2, 2008, Susp.	.....do .....	Do.
Sand Beach, Township of, Huron County.	260787	December 16, 1986, Emerg; September 18, 1987, Reg; December 2, 2008, Susp.	.....do .....	Do.
Sebewaing, Village of, Huron County ...	260572	March 24, 1976, Emerg; December 3, 1987, Reg; December 2, 2008, Susp.	.....do .....	Do.
Sherman, Township of, Huron County ..	260788	December 15, 1986, Emerg; September 18, 1987, Reg; December 2, 2008, Susp.	.....do .....	Do.

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
Ohio: Holmes County, Unincorporated Areas	390276	October 25, 1977, Emerg; December 15, 1990, Reg; December 2, 2008, Susp.	.....do .....	Do.
Killbuck, Village of, Holmes County .....	390279	August 27, 1975, Emerg; February 5, 1986, Reg; December 2, 2008, Susp.	.....do .....	Do.
<b>Region IX</b>				
California: Cotati, City of, Sonoma County .....	060377	July 22, 1975, Emerg; April 15, 1980, Reg; December 2, 2008, Susp.	.....do .....	Do.

\*do = Ditto.

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

Dated: November 28, 2008.

**Michael K. Buckley,**

*Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E8–29456 Filed 12–11–08; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 0812081564–81568–01]

RIN 0648–XM18

#### 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:** Temporary rule.

**SUMMARY:** The Assistant Administrator for Fisheries (AA), NOAA, announces temporary restrictions consistent with the requirements of the Atlantic Large Whale Take Reduction Plan's (ALWTRP) implementing regulations. These regulations apply to lobster trap/pot and anchored gillnet fishermen in an area totaling approximately 1,650 nm<sup>2</sup> (5,659.5 km<sup>2</sup>), east of Gloucester, Massachusetts, and Portsmouth, New Hampshire, in the proximity of Jeffreys Ledge, for 15 days. The purpose of this action is to provide protection to an aggregation of northern right whales (right whales).

**DATES:** Effective beginning at 0001 hours December 15, 2008, through 2400 hours December 29, 2008.

**ADDRESSES:** Copies of the proposed and final Dynamic Area Management (DAM) rules, Environmental Assessments (EAs), Atlantic Large Whale Take Reduction Team (ALWTRT) meeting summaries, and progress reports on implementation of the ALWTRP may also be obtained by writing Diane Borggaard, NMFS/Northeast Region, 55 Great Republic Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Diane Borggaard, NMFS/Northeast Region, 978–281–9300 x6503; or Kristy Long, NMFS, Office of Protected Resources, 301–713–2322.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Several of the background documents for the ALWTRP and the take reduction planning process can be downloaded from the ALWTRP web site at <http://www.nero.noaa.gov/whaletrp/>.

##### Background

The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act (MMPA) to reduce the incidental mortality and serious injury of three endangered species of whales (right, fin, and humpback) due to incidental interaction with commercial fishing activities. In addition, the measures identified in the ALWTRP would provide conservation benefits to a fourth species (minke), which are neither listed as endangered nor threatened under the Endangered Species Act (ESA). The ALWTRP, implemented through regulations codified at 50 CFR 229.32, relies on a combination of fishing gear modifications and time/area closures to reduce the risk of whales becoming entangled in commercial fishing gear (and potentially suffering serious injury or mortality as a result).

On January 9, 2002, NMFS published the final rule to implement the

ALWTRP's DAM program (67 FR 1133). On August 26, 2003, NMFS amended the regulations by publishing a final rule, which specifically identified gear modifications that may be allowed in a DAM zone (68 FR 51195). The DAM program provides specific authority for NMFS to restrict temporarily on an expedited basis the use of lobster trap/pot and anchored gillnet fishing gear in order to protect right whales and is applicable to areas north of 42° 30' N. lat. Under the DAM program, NMFS may: (1) require the removal of all lobster trap/pot and anchored gillnet fishing gear for a 15-day period; (2) allow lobster trap/pot and anchored gillnet fishing within a DAM zone with gear modifications determined by NMFS to sufficiently reduce the risk of entanglement; and/or (3) issue an alert to fishermen requesting the voluntary removal of all lobster trap/pot and anchored gillnet gear for a 15-day period and asking fishermen not to set any additional gear in the DAM zone during the 15-day period.

A DAM zone is triggered when NMFS receives a reliable report from a qualified individual of three or more right whales sighted within an area (75 nm<sup>2</sup> (139 km<sup>2</sup>)) such that right whale density is equal to or greater than 0.04 right whales per nm<sup>2</sup> (1.85 km<sup>2</sup>). A qualified individual is an individual ascertained by NMFS to be reasonably able, through training or experience, to identify a right whale. Such individuals include, but are not limited to, NMFS staff, U.S. Coast Guard and Navy personnel trained in whale identification, scientific research survey personnel, whale watch operators and naturalists, and mariners trained in whale species identification through disentanglement training or some other training program deemed adequate by NMFS. A reliable report would be a credible right whale sighting.