

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region II</b>				
New York:				
Brutus, town of, Cayuga County .....	360104	Sept. 6, 1974, Emerg; April 16, 1979, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
Gardiner, town of, Ulster County .....	360856	June 26, 1974, Emerg; Sept. 30, 1982, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
<b>Region III</b>				
Pennsylvania:				
Lock Haven, city of, Clinton County .....	420328	Nov. 17, 1972, Emerg; Feb. 2, 1977, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
Woodward, township of, Clinton County	420337	March 16, 1973, Emerg; Jan. 16, 1980, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
<b>Region V</b>				
Canal Winchester, village of, Franklin County.	390169	Dec. 26, 1973, Emerg; June 4, 1980, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
Franklin County, unincorporated areas	390167	April 19, 1973, Emerg; July 5, 1983, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
Wisconsin: West Bend, city of, Washington County.	550475	Aug. 15, 1975, Emerg; Aug. 2, 1982, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
<b>Region IX</b>				
Arizona: Apache County, unincorporated areas.	040001	April 11, 1975, Emerg; July 5, 1982, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
California:				
Dublin, city of, Alameda County .....	060705	Feb. 3, 1971, Emerg; Apr. 15, 1981, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
Livermore, city of, Alameda County .....	060008	Dec. 1, 1972, Emerg; July 5, 1977, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
Modoc County, unincorporated areas ...	060192	Feb. 19, 1976, Emerg; Sept. 24, 1984, Reg; Sept. 17, 1997, Susp.	.....do .....	Do.
<b>Region VI</b>				
Oklahoma: Marshall County, unincorporated areas.	400511	Aug. 17, 1983, Emerg; May 28, 1985, Reg; Sept. 30, 1997, Susp.	Sept. 30, 1997 ..	Sept. 30, 1997.
<b>Region VII</b>				
Nebraska: Howard County, unincorporated areas.	310446	June 21, 1993, Emerg; Sept. 30, 1997, Reg; Sept. 30, 1997, Susp.	.....do .....	Do.
<b>Region VIII</b>				
Colorado: Broomfield, city of, Adams, Boulder, and Jefferson Counties.	085073	Feb. 18, 1972, Emerg; Sept. 7, 1973, Reg; Sept. 30, 1997, Susp.	.....do .....	Do.
Montana: Bull Creek, village of, Taney County.	290916	Dec. 6, 1993, Emerg; Sept. 30, 1997 Reg; Sept. 30, 1997, 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: September 5, 1997.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 97-25103 Filed 9-19-97; 8:45 am]

BILLING CODE 6718-05-P

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 64**

[Docket No. FEMA-7671]

**List of Communities Eligible for the Sale of Flood Insurance**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management

measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

**EFFECTIVE DATES:** The dates listed in the third column of the table.

**ADDRESSES:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

**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 measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Associate Director finds that the delayed effective dates would be

contrary to the public interest. The Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

**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 Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

**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/location	Community No.	Effective date of eligibility	Current effective map date
<b>New Eligibles—Emergency Program</b>			
Minnesota: Herman, city of, Grant County .....	270576	July 2, 1997.	
North Carolina: Oakboro, town of, Stanly County .....	370493	July 9, 1997.	
Montana: Belgrade, city of, Gallatin County .....	300105	.....do.	
Illinois: Wyoming, city, of Stark County .....	170615	July 11, 1997 .....	Mar. 10, 1978.
Kansas: Burdett, city of, Pawnee County .....	200396	.....do .....	Mar. 26, 1976.
Michigan: Homer, township of, Midland County .....	260989	July 14, 1997.	
South Dakota: Jackson County, unincorporated areas	460240	July 18, 1997.	
Georgia: Grayson, city of, Gwinnett County .....	130325	July 22, 1997 .....	July 11, 1975.
Kentucky: Grant County, unincorporated areas .....	210337	July 25, 1997.	
Michigan:			
Alcona, township of, Alcona County .....	260996	.....do.	
Quincy, township of, Branch County .....	260997	.....do.	
Minnesota:			
Graceville, city of, Big Stone County .....	270026	.....do.	
Waubun, city of, Mahanomen County .....	270772	.....do.	
North Carolina: Franklinton, town of, Franklin County ..	370497	July 30, 1997.	
Maine: Edgecomb, town of, Lincoln County .....	230217	Aug. 5, 1997 .....	July 28, 1978.
Oregon: Warm Springs Reservation, Jefferson and Wasco Counties.	410291	Aug. 11, 1997.	
Minnesota:			
McGregor, city of, Aitkin County .....	270773	Aug. 12, 1997.	
Freeport, city of, Stearns County .....	270446	Aug. 19, 1997.	
North Dakota: Spirit Lake Reservation, Benson County	380700	.....do.	
Michigan:			
Eau Claire, village of, Berrien County .....	260999	Aug. 20, 1997.	
Monterey, township of, Allegan County .....	261000	.....do.	
Colorado: Hudson, town of, Weld County .....	080249	.....do.	
Michigan: California, township of, Branch County .....	260998	Aug. 22, 1997.	
Kentucky: Livingston County, unincorporated areas .....	210146	Aug. 25, 1997.	
Tennessee:			
Putnam County, unincorporated areas .....	470149	Aug. 27, 1997 .....	Oct. 21, 1977.
White County, unincorporated areas .....	470365	.....do .....	Dec. 2, 1977.

State/location	Community No.	Effective date of eligibility	Current effective map date
<b>New Eligibles—Regular Program</b>			
Missouri: West Alton, city of, St. Charles County .....	290924	July 8, 1997 .....	Aug. 2, 1996.
Washington: Mill Creek, city of, Snohomish County. <sup>1</sup> ...	530330	July 9, 1997 .....	Sep. 30, 1992.
California: Chino Hills, city of, San Bernardino County	060754	July 11, 1997 .....	Jan. 17, 1997.
Louisiana: Pioneer, village of, West Carroll Parish .....	220244	.....do .....	NSFHA.
Kentucky: Gallatin County, unincorporated areas .....	210281	July 20, 1997 .....	Aug. 19, 1997.
Georgia: Bleckley County, unincorporated areas .....	130280	July 22, 1997 .....	Sep. 6, 1996.
Oklahoma: Martha, town of, Jackson County .....	400307	Aug. 8, 1997 .....	NFSHA.
South Carolina: Marlboro County, unincorporated areas.	450146	Aug. 11, 1997 .....	Nov. 6, 1991.
Georgia: Crawford County, unincorporated areas .....	130302	Aug. 12, 1997 .....	Sept. 6, 1996.
Ohio: Tremont City, village of, Clark County .....	390064	Aug. 13, 1997 .....	May 17, 1990.
Louisiana: Oak Grove, town of, West Carroll Parish .....	220342	Aug. 18, 1997 .....	NFSHA.
Tennessee: Rutherford, town of, Gibson County .....	470061	Aug. 27, 1997 .....	Sept. 30, 1983.
Watauga, city of, Carter County .....	470331	.....do .....	Oct. 16, 1996.
<b>Reinstatements</b>			
Iowa: Merville, city of, Woodbury County .....	190293	Feb. 23, 1976, Emerg; Sept. 1, 1986, Reg; Sept. 1, 1986, Susp; July 30, 1997, Rein.	Sept. 1, 1986.
Maine: Appleton, town of, Knox County .....	230073	July 22, 1975, Emerg; Dec. 4, 1985, Reg; Dec. 4, 1985, Susp; Aug. 5, 1997, Rein.	Dec. 4, 1985.
Alabama: Lamar County, unincorporated areas .....	010271	Mar. 16, 1976, Emerg; June 4, 1990, Reg; June 4, 1990, Susp; Aug. 9, 1997, Rein.	June 4, 1990.
Illinois: Joppa, village of, Massac County .....	170757	Aug. 16, 1982, Emerg; Mar. 2, 1983, Reg; July 3, 1990, Susp; Aug. 13, 1997 Rein.	Mar. 2, 1983.
Pennsylvania: Murrysville, city of, Westmoreland County.	421207	May 23, 1974, Emerg; Feb. 17, 1982, Reg; Aug. 5, 1997, Susp; Aug. 15, 1997, Rein.	Aug. 5, 1997.
Pennsylvania: Hunker, borough of, Westmoreland County .....	420880	Nov. 14, 1975, Emerg; Nov. 19, 1986, Reg; Aug. 5, 1997, Susp; Aug. 18, 1997, Rein.	Aug. 5, 1997.
Manor, borough of, Westmoreland County .....	420886	Aug. 29, 1973, Emerg; Sept. 1, 1977, Reg; Aug. 5, 1997, Susp; Aug. 18, 1997, Rein.	Do.
<b>Regular Program Conversions</b>			
<b>Region VI</b>			
Louisiana: Lake Charles, city of, Calcasieu Parish .....	220040	July 3, 1997; Suspension Withdrawn .....	July 3, 1997.
<b>Region IX</b>			
Arizona: Graham County, unincorporated areas .....	040032	.....do .....	Do.
Safford, city of, Graham County .....	040124	.....do .....	Do.
California: Saratoga, city of, Santa Clara County .....	060351	.....do .....	Do.
<b>Region VI</b>			
Arkansas: Charleston, city of, Franklin County .....	050080	July 17, 1997; Suspension Withdrawn .....	July 17, 1997.
Franklin County, unincorporated areas .....	050432	.....do .....	Do.
Ozark, city of, Franklin County .....	050358	.....do .....	Do.
New Mexico: Silver City, town of, Grant County .....	350022	.....do .....	Do.
<b>Region VII</b>			
Kansas: Olathe, city of, Johnson County .....	200173	.....do .....	Do.
Overland Park, city of, Johnson County .....	200174	.....do .....	Do.
<b>Region VIII</b>			
Colorado: Larimer County, unincorporated areas .....	080101	.....do .....	Do.
<b>Region IX</b>			
California: Amador County, unincorporated areas .....	060015	.....do .....	Do.
Jackson, city of, Amador County .....	060448	.....do .....	Do.
<b>Region II</b>			
New York: Mount Kisco, village of, Westchester County .....	360918	Aug. 5, 1997; Suspension Withdrawn .....	Aug. 5, 1997.
New Castle, town of, Westchester County .....	360921	.....do .....	Do.
<b>Region III</b>			
Pennsylvania: Allegheny, township of, Westmoreland County .....	420869	.....do .....	Do.
Arnold, city of, Westmoreland County .....	420870	.....do .....	Do.
Arona, borough of, Westmoreland County .....	420871	.....do .....	Do.
Avonmore, borough of, Westmoreland County .....	420872	.....do .....	Do.
Bell, township of, Westmoreland County .....	422185	.....do .....	Do.
Delmont, borough of, Westmoreland County .....	422177	.....do .....	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date
Derry, borough of, Westmoreland County .....	420874	.....do .....	Do.
Derry, township of, Westmoreland County .....	421205	.....do .....	Do.
Donegal, township of, Westmoreland County .....	422187	.....do .....	Do.
East Huntingdon, township of, Westmoreland County.	422188	.....do .....	Do.
East Vandergrift, borough of, Westmoreland County.	420875	.....do .....	Do.
Export, borough of, Westmoreland County .....	420876	.....do .....	Do.
Fairfield, township of, Westmoreland County .....	422189	.....do .....	Do.
Greensburg, city of, Westmoreland County .....	420877	.....do .....	Do.
Hempfield, township of, Westmoreland County .....	420878	.....do .....	Do.
Hyde Park, borough of, Westmoreland County .....	422179	.....do .....	Do.
Irwin, borough of, Westmoreland County .....	420881	.....do .....	Do.
Jeannette, city of, Westmoreland County .....	420882	.....do .....	Do.
Latrobe, borough of, Westmoreland County .....	420883	.....do .....	Do.
Ligonier, borough of, Westmoreland County .....	422180	.....do .....	Do.
Ligonier, township of, Westmoreland County .....	420884	.....do .....	Do.
Loyalhanna, township of, Westmoreland County ...	422190	.....do .....	Do.
Lower Burrell, city of, Westmoreland County .....	420885	.....do .....	Do.
Monessen, city of, Westmoreland County .....	420887	.....do .....	Do.
Mount Pleasant, township of, Westmoreland County.	420888	.....do .....	Do.
New Florence, borough of, Westmoreland County	420890	.....do .....	Do.
New Kensington, city of, Westmoreland County ....	420891	.....do .....	Do.
New Stanton, borough of, Westmoreland County ..	420892	.....do .....	Do.
North Huntingdon, township of, Westmoreland County.	420893	.....do .....	Do.
North Irwin, borough of, Westmoreland County ....	422641	.....do .....	Do.
Penn, borough of, Westmoreland County .....	420895	.....do .....	Do.
Penn, township of, Westmoreland County .....	422183	.....do .....	Do.
Rostraver, township of, Westmoreland County .....	422184	.....do .....	Do.
Salem, township of, Westmoreland County .....	422192	.....do .....	Do.
Scottdale, borough of, Westmoreland County .....	420896	.....do .....	Do.
Sewickley, township of, Westmoreland County .....	422193	.....do .....	Do.
Smithton, borough of, Westmoreland County .....	420899	.....do .....	Do.
South Huntingdon, township of, Westmoreland County.	422194	.....do .....	Do.
Southwest Greensburg, borough of, Westmoreland County.	420901	.....do .....	Do.
St. Clair, township of, Westmoreland County .....	422191	.....do .....	Do.
Sutersville, borough of, Westmoreland County .....	420902	.....do .....	Do.
Trafford, borough of, Westmoreland County .....	420903	.....do .....	Do.
Upper Burrell, township of, Westmoreland County	422195	.....do .....	Do.
Vandergrift, borough of, Westmoreland County ....	420904	.....do .....	Do.
Washington, township of, Westmoreland County ...	422196	.....do .....	Do.
West Leechburg, borough of, Westmoreland County.	420905	.....do .....	Do.
West Newton, borough of, Westmoreland County	420906	.....do .....	Do.
Youngwood, borough of, Westmoreland County ....	420908	.....do .....	Do.
<b>Region VI</b>			
New Mexico:			
Chama, village of, Rio Arriba County .....	350050	.....do .....	Do.
Rio Arriba County, unincorporated areas .....	350049	.....do .....	Do.
Oklahoma: Davidson, town of, Tillman County .....	400204	.....do .....	Do.
Texas: Eastland, city of, Eastland County .....	480204	.....do .....	Do.
<b>Region I</b>			
Maine:			
Cutler, town of, Washington County .....	230310	Aug. 19, 1997; Suspension Withdrawn .....	Aug. 19, 1997.
Perry, town of, Washington County .....	230319	.....do .....	Do.
New Hampshire: Tilton, town of, Belknap County .....	330009	.....do .....	Do.
<b>Region III</b>			
Pennsylvania:			
Benton, borough of, Columbia County .....	421543	.....do .....	Do.
West Brunswick, township of, Schuylkill County ...	422028	.....do .....	Do.
Virginia:			
Grundy, town of, Buchanan County .....	510025	.....do .....	Do.
<b>Region IV</b>			
Georgia: Talbot County, unincorporated areas .....	130396	.....do .....	Do.
<b>Region V</b>			
Illinois: Wood Dale, city of, DuPage County .....	170224	.....do .....	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date
Michigan: Meyer, township of, Menominee County .....	260458	.....do .....	Do.
<b>Region IX</b>			
Arizona: Santa Cruz County, unincorporated areas .....	040090	.....do .....	Do.
California: Hemet, city of, Riverside County .....	060253	.....do .....	Do.

<sup>1</sup> The City of Mill Creek has adopted the Snohomish County (CID #535534) Flood Insurance Rate Map dated September 30, 1992. Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension; With.—Withdrawn; NSFHA—Non Special Flood Hazard Area.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: September 11, 1997.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 97-25104 Filed 9-19-97; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 697**

[Docket No. 970829213-7213-01; I.D. 091696A]

RIN 0648-AJ15

**Atlantic Coast Weakfish Fishery; Change in Regulations for the Exclusive Economic Zone**

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

**ACTION:** ACTION: Final rule.

**SUMMARY:** NMFS is issuing regulations for the exclusive economic zone (EEZ) offshore from Maine through Florida that impose a minimum size limit of 12 inches (30.5 cm) (total length); minimum mesh sizes in the EEZ of 3 1/4-inch (8.3 cm) square stretch mesh or 3 3/4-inch (9.5 cm) diamond stretch mesh for trawls, and 2 7/8-inch (7.3 cm) stretch mesh for gill nets; a bycatch possession limit of 150 lb (67 kg) for fisheries using smaller mesh sizes for any one day or trip, whichever is longer; a prohibition on the use of flynets in a closed area of the EEZ off North Carolina, south of Cape Hatteras from 3 nm to about 40 nm offshore; a prohibition on the possession of any weakfish in the closed area of the EEZ off North Carolina when using shrimp trawls or crab trawls; and a requirement that weakfish harvested for commercial purposes in the EEZ be landed only in the following states: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, or North Carolina. In addition,

weakfish fishing must be in accordance with the laws of the state where weakfish are landed if the state's regulations are more restrictive than the Federal regulations. The intent of the regulations is to provide protection to the overfished stock of weakfish, ensure the effectiveness of state regulations, and aid in the rebuilding of the stock.

**DATES:** Effective October 22, 1997.

**ADDRESSES:** Copies of supporting documents, including a Final Supplemental Environmental Impact Statement and Regulatory Impact Review (FSEIS/RIR), are available from Richard H. Schaefer, Chief, Staff Office for Intergovernmental and Recreational Fisheries, NMFS, 8484 Georgia Avenue, Suite 425, Silver Spring, MD 20910-3282.

**FOR FURTHER INFORMATION CONTACT:** Thomas Meyer/Anne Lange, 301-427-2014.

**SUPPLEMENTARY INFORMATION:**

**Background**

The background and rationale for this rule were contained in the preamble to the proposed rule, published in the **Federal Register** on February 14, 1997 (62 FR 6935), and are not repeated here. Additional background for this rule is available and contained in a FSEIS/RIR prepared by NMFS for this rule (see **ADDRESSES**).

**Comments and Responses**

NMFS received written comments from 17 agencies, states and organizations and five individuals, and held four public hearings attended by 74 individuals, to gather public comments on the proposed rule. Details of both the written comments and the public hearings are provided in the FSEIS/RIR published in the **Federal Register** on July 3, 1997 (62 FR 36062). Written and public hearing comments are summarized here.

Each of the State and Federal agencies and conservation organizations supported the proposed rule and found its measures to be compatible with state and Atlantic States Marine Fisheries Commission (Commission) fishery management plans for weakfish. The

U.S. Coast Guard suggested changes to clarify current language and to address several enforcement issues. The U.S. Fish and Wildlife Service fully supported the proposed rule and urged the earliest possible adoption of both the weakfish rule and a proposed rule to implement a program to certify specific Bycatch Reduction Devices (BRDs) for shrimp trawls (final rule published in the **Federal Register** on April 16, 1997 (62 FR 18536)). The Mid-Atlantic Fishery Management Council supported the proposed rule and, based on its comments, an additional public hearing was held in North Carolina to address industry concerns related to the impact of the proposed rule on other fisheries conducted in the closed area off North Carolina.

*1. Comment:* One agency commented that language, consistent with regulations requiring the use of Turtle Excluder Devices (TEDs) in the summer flounder fishery, should be included in the prohibitions (§ 697.7) to require use of TEDs by vessels using nets in the EEZ north of Cape Hatteras.

*Response:* Under the requirements of section 7 of the Endangered Species Act, NMFS has evaluated the impact the weakfish fishery may have on turtles. Based on the Biological Opinion issued by NMFS, reasonable and prudent measures will be taken to minimize the impact of the weakfish fishery on sea turtles. This will include development of an effective TED for flynets and a schedule for implementation in flynet gear during the times and areas as required for summer flounder (50 CFR 217.12 and 227.72). In addition, an Incidental Take Statement has been issued by NMFS, anticipating documented lethal or non-lethal takes in the weakfish fishery of a maximum total of 20 loggerhead turtles and two Kemp's ridleys in flynet, bottom trawl, or gillnet gear. Should these levels be exceeded, consultations must be reinitiated.

*2. Comment:* Several commenters suggested that the proposed closed area line should be modified to be consistent with the line in the North Carolina regulations, which proceeds in a southeasterly direction from Cape