

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–39

[FMR Amendment 2010–01; FMR Case 2009–102–3; Docket No. 2009–0002, Sequence 5]

RIN 3090–AI92

Federal Management Regulation; Replacement of Personal Property Pursuant to the Exchange/Sale Authority

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is amending the Federal Management Regulation (FMR) by making changes to its policy on the replacement of personal property pursuant to the exchange/sale authority.

DATES: This final rule is effective on June 7, 2010.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Robert Holcombe, Office of Governmentwide Policy, Office of Travel, Transportation, and Asset Management (MT), (202) 501–3828 or e-mail at robert.holcombe@gsa.gov. For information pertaining to status or publication schedules contact the Regulatory Secretariat, 1800 F Street, NW., Room 4041, Washington, DC 20405, (202) 501–4755. Please cite FMR Amendment 2010–01; FMR Case 2009–102–3.

SUPPLEMENTARY INFORMATION:

A. Background

A proposed rule was published in the *Federal Register* at 74 FR 30493 on June 26, 2009. Three changes were proposed. One proposed change, removing the exchange/sale prohibition on aircraft and airframe structural components subject to certain conditions, received several comments. GSA is considering those comments and has decided not to go forward with that change at this time.

Another proposed change considered removing the prohibition on using scrap property in an exchange/sale transaction when the property had utility and value at the point in time when a determination was made to use the exchange/sale authority, thus addressing situations where the dismantling of property rendered it as “scrap”, but where replacement of property similar to the originally-configured property is still required. Only one substantive comment was received regarding that proposed

change. The commenter suggested that property which has been coded as scrap because of damage caused by, for example, natural disaster or accident, should also be eligible for exchange/sale. GSA agrees with that comment, and has addressed it in the final rule.

The third proposed change was editorial in nature. GSA received no comments regarding it.

B. Executive Order 12866

This final rule is excepted from the definition of “regulation” or “rule” under Section 3(d)(3) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993 and, therefore, was not subject to review under Section 6(b) of that executive order.

C. Regulatory Flexibility Act

This final rule is not required to be published in the *Federal Register* for comment. Therefore, the Regulatory Flexibility Act does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 102–39

Government property management and personal property.

Dated: March 22, 2010.

Martha Johnson,

Administrator of General Services.

■ For the reasons set forth in the preamble, GSA amends 41 CFR part 102–39 as set forth below:

PART 102–39—REPLACEMENT OF PERSONAL PROPERTY PURSUANT TO THE EXCHANGE/SALE AUTHORITY

■ 1. The authority citation for 41 CFR part 102–39 continues to read as follows:

Authority: 40 U.S.C. 121(c); 40 U.S.C. 503.

■ 2. Amend § 102–39.60 by revising paragraph (e) to read as follows:

§ 102–39.60 What restrictions and prohibitions apply to the exchange/sale of personal property?

* * * * *

(e) Property with a condition code of scrap, as defined at FMR 102–36.40, except:

(1) Property that had utility and value at the point in time when a determination was made to use the exchange/sale authority;

(2) Property that was otherwise eligible for exchange/sale, but was coded as scrap due to damage (*e.g.*, accident or natural disaster); or

(3) Scrap gold for fine gold.

* * * * *

§ 102–39.80 [Amended]

■ 3. Amend § 102–39.80, second sentence, by adding “exchanged or” before the word “sold”.

[FR Doc. 2010–10663 Filed 5–5–10; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–8129]

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.

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
Region IV				
Kentucky:				
Fleming County, Unincorporated Areas	210335	April 10, 1991, Emerg; February 5, 1992, Reg; May 20, 2010, Susp.	May 20, 2010 ...	May 20, 2010.
Flemingsburg, City of, Fleming County	210068	September 10, 1975, Emerg; September 18, 1985, Reg; May 20, 2010, Susp.	.....do*	do.
Robertson County, Unincorporated Areas.	210200	April 15, 1997, Emerg; November 1, 2008, Reg; May 20, 2010, Susp.	.....do	do.
Mississippi:				
Neshoba County, Unincorporated Areas	280276	April 23, 1979, Emerg; September 15, 1989, Reg; May 20, 2010, Susp.	.....do	do.
Philadelphia, City of, Neshoba County	280120	November 2, 1974, Emerg; September 29, 1986, Reg; May 20, 2010, Susp.	.....do	do.
Region VI				
Arkansas:				
Barling, City of, Sebastian County	050305	N/A, Emerg; September 20, 2007, Reg; May 20, 2010, 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
Fort Smith, City of, Sebastian County ...	055013	December 18, 1970, Emerg; August 27, 1971, Reg; May 20, 2010, Susp.	.....do	do.
Greenwood, City of, Sebastian County	050198	October 29, 1974, Emerg; April 15, 1981, Reg; May 20, 2010, Susp.	.....do	do.
Hartford, City of, Sebastian County	050200	March 12, 1975, Emerg; March 15, 1982, Reg; May 20, 2010, Susp.	.....do	do.
Lavaca, City of, Sebastian County	050201	May 6, 1975, Emerg; March 15, 1982, Reg; May 20, 2010, Susp.	.....do	do.
Mansfield, City of, Scott and Sebastian Counties.	050202	July 29, 1975, Emerg; June 18, 1987, Reg; May 20, 2010, Susp.	.....do	do.
Midland, Town of, Sebastian County	050203	January 22, 1976, Emerg; June 1, 1987, Reg; May 20, 2010, Susp.	.....do	do.
Sebastian County, Unincorporated Areas.	050462	January 27, 1983, Emerg; April 1, 1988, Reg; May 20, 2010, Susp.	.....do	do.
Texas:				
Beeville, City of, Bee County	480027	January 14, 1974, Emerg; January 20, 1982, Reg; May 20, 2010, Susp.	.....do	do.
Nacogdoches, City of, Nacogdoches County.	480497	January 16, 1975, Emerg; February 18, 1981, Reg; May 20, 2010, Susp.	.....do	do.
Region VII				
Missouri:				
Crawford County, Unincorporated Areas	290795	October 23, 1984, Emerg; May 1, 1987, Reg; May 20, 2010, Susp.	.....do	do.
Leasburg, Village of, Crawford County	290561	March 7, 1977, Emerg; August 24, 1984, Reg; May 20, 2010, Susp.	.....do	do.
Steelville, City of, Crawford County	290114	October 15, 1971, Emerg; February 13, 1976, Reg; May 20, 2010, Susp.	.....do	do.
Crane, City of, Stone County	290430	November 9, 1976, Emerg; July 16, 1980, Reg; May 20, 2010, Susp.	.....do	do.
Kimberling City, City of, Stone County ..	290432	June 23, 1975, Emerg; April 15, 1979, Reg; May 20, 2010, Susp.	.....do	do.
Reeds Spring, City of, Stone County	290433	November 17, 1975, Emerg; September 18, 1985, Reg; May 20, 2010, Susp.	.....do	do.
Stone County, Unincorporated Areas ...	290429	January 4, 1994, Emerg; March 19, 1997, Reg; May 20, 2010, Susp.	.....do	do.

* -do- = Ditto.

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

Dated: April 23, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation.

[FR Doc. 2010-10667 Filed 5-5-10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 100501208-0208-01]

RIN 0648-AY87

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closure in the Gulf of Mexico Due to the Deepwater Horizon Oil Spill

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency rule; request for comments.

SUMMARY: NMFS issues this emergency rule to close a portion of the Gulf of Mexico (Gulf) exclusive economic zone (EEZ) to all fishing, in response to the Deepwater Horizon oil spill. The closure was applicable May 2, 2010, and will remain in effect for 10 days, unless conditions allow NMFS to terminate it sooner. NMFS will continue to monitor and evaluate the oil spill and its impacts on Gulf fisheries and will take immediate and appropriate action to extend or reduce this closed area. This closure is implemented for public safety.

DATES: This rule is effective May 3, 2010 through 12:01 a.m., local time, May 12, 2010. The closure was applicable on May 2, 2010. Comments may be submitted through May 11, 2010.

ADDRESSES: You may submit comments on this rule, identified by “0648-AY87” by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking Portal: <http://www.regulations.gov>.
- Fax: 727-824-5308; Attention: Cynthia Meyer.
- Mail: Cynthia Meyer, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: No comments will be posted for public viewing until after the comment period. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e-Rulemaking Portal: [http://](http://www.regulations.gov)