

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: September 1, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010-22763 Filed 9-10-10; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1136]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before December 13, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-1136, to Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3461, or (e-mail) roy.e.wright@dhs.gov.

FOR FURTHER INFORMATION CONTACT: Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3461, or (e-mail) roy.e.wright@dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are

made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 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.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Itawamba County, Mississippi, and Incorporated Areas

Tennessee-Tombigbee Waterway.	Approximately 3.0 miles upstream of the confluence with Coaches Branch.	+250	+251	City of Fulton, Unincorporated Areas of Itawamba County.
	At the Lock D dam	+271	+282	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Tennessee-Tombigbee Waterway.	Approximately 3.7 miles upstream of the confluence with Mud Creek.	None	+300	Unincorporated Areas of Itawamba County.
	Approximately 400 feet upstream of the Lock E dam	None	+330	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see below*) for exact locations of all BFEs to be changed.

Send comments to Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Fulton

Maps are available for inspection at City Hall, 213 West Wiygul Street, Fulton, MS 38843.

Unincorporated Areas of Itawamba County

Maps are available for inspection at the Itawamba County Courthouse, 201 West Main Street, Fulton, MS 38843.

Monroe County, Mississippi, and Incorporated Areas

Burketts Creek	At the confluence with the Tennessee-Tombigbee Canal.	None	+220	City of Amory, Unincorporated Areas of Monroe County.
	At the confluence with Burketts Creek Diversion Channel—Upper Burketts Creek.	None	+242	
Burketts Creek Diversion Channel—Upper Burketts Creek.	At the confluence with the Tennessee-Tombigbee Canal.	+239	+240	City of Amory, Unincorporated Areas of Monroe County.
	Approximately 0.5 mile upstream of Phillips Schoolhouse Road.	+246	+249	
Burketts Creek Tributary No. 1.	At the confluence with Burketts Creek	+238	+239	City of Amory, Unincorporated Areas of Monroe County.
City Ditch	Approximately 1,055 feet upstream of Tschudi Road ..	None	+253	City of Aberdeen, Unincorporated Areas of Monroe County.
	At the confluence with the Tombigbee River	+193	+191	
Old Tombigbee River—Mattubby Creek.	Approximately 1.0 mile upstream of the confluence with the Tombigbee River.	+194	+193	City of Aberdeen, Unincorporated Areas of Monroe County.
	At the confluence with the Tombigbee River	+194	+192	
Roundhouse Branch	Approximately 0.6 mile upstream of North Meridian Street/Coontail Road.	+196	+197	City of Amory.
	Approximately 500 feet upstream of Dalrymple Drive	+244	+243	
Tennessee Tombigbee Canal	At the confluence with Burketts Creek Tributary No. 1	+245	+243	City of Amory, Unincorporated Areas of Monroe County.
	Approximately 1.3 mile downstream of State Highway 278.	+209	+210	
Tombigbee River	At the Lock B dam	+223	+236	City of Aberdeen, Unincorporated Areas of Monroe County.
	Approximately 10.3 miles downstream of U.S. Route 45.	+187	+188	
Weaver Creek	Approximately 9.5 miles upstream of U.S. Route 45 ...	+208	+207	Unincorporated Areas of Monroe County.
	At the confluence with the Tombigbee River	+207	+206	
	Approximately 2.3 miles upstream of the confluence with the Tombigbee River.	+207	+206	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see below*) for exact locations of all BFEs to be changed.

Send comments to Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Aberdeen

Maps are available for inspection at City Hall, 125 West Commerce Street, Aberdeen, MS 39730.

City of Amory

Maps are available for inspection at City Hall, 109 Front Street South, Amory, MS 38821.

Unincorporated Areas of Monroe County

Maps are available for inspection at the Monroe County Courthouse, 301 South Chestnut Street, Aberdeen, MS 39730.

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BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

48 CFR Parts 3001, 3002, 3003, 3004, 3005, 3006, 3009, 3012, 3018, 3022, 3023, 3033, 3035, 3036, 3042, 3045, 3052, and 3053

[Docket No. DHS-2009-0085; HSAR Case 2009-002]

RIN 1601-AA28

Homeland Security Acquisition Regulation (HSAR); Revision Initiative

AGENCY: Office of the Chief Procurement Officer, DHS.

ACTION: Proposed rule with request for comments.

SUMMARY: DHS is proposing to amend multiple sections of the Homeland Security Acquisition Regulation (HSAR) to align existing content with the Federal Acquisition Regulation (FAR); to implement Section 695 of the Post-Katrina Emergency Management Reform Act of 2006; to clarify agency acquisition regulations; and to provide editorial corrections. The HSAR Part 3006 proposed amendment reflects the necessary implementation for the statutory change restricting the length of certain noncompetitive contracts

entered into by the Department of Homeland Security to facilitate the response to or recovery from a natural disaster, act of terrorism, or other man-made disaster.

DATES: Comments must reach the Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, on or before November 12, 2010, to be considered in the formulation of the final rule.

ADDRESSES: Please submit written comments, identified by agency name and docket number DHS-2009-0085, by one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>. To submit comments, follow instructions on www.regulations.gov and use docket number DHS-2009-0085.

(2) By mail to the Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, ATTN: Teresa McConahie, 245 Murray Drive, Bldg. 410 (RDS), Washington, DC 20528.

FOR FURTHER INFORMATION CONTACT: Teresa McConahie, Senior Procurement Analyst, at (202) 447-0271 for clarification of content.

SUPPLEMENTARY INFORMATION:

- I. Request for Comments
- II. Background
- III. Discussion of Proposed Rule
- IV. Regulatory Analyses
 - A. Executive Order 12866 Assessment
 - B. Regulatory Flexibility Act
 - C. Paperwork Reduction Act
 - D. Executive Order 13132 (Federalism)
 - E. National Environmental Policy Act

I. Request for Comments

Interested persons are invited to participate in this rulemaking by submitting written data, views or

arguments on all aspects of this proposed rule. Comments should be organized by Homeland Security Acquisition Regulation (HSAR) Part, and address the specific section that is being commented on. All comments received will be posted without change to <http://regulations.gov>, including any personal information provided. See **ADDRESSES** above for information on how to submit comments. If you submit comments by mail, please submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you would like DHS to acknowledge receipt of comments submitted by mail, please enclose a self-addressed, stamped post card or envelope. DHS will consider all comments and material received during the comment period.

Docket: For access to the docket in order to read background documents or comments received, go to <http://www.regulations.gov>, follow the instructions or review the FAQs tab on the home page.

II. Background

This proposed rule would amend the Department's acquisition regulation which was initially issued in 2003. 68 FR 67871 (Dec. 4, 2003) as amended at 71 FR 25767 (May 2, 2006). Section 695 of the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA), Public Law 109-295, 120 Stat. 1394, 1460 (Oct. 4, 2006), directed the Secretary to promulgate regulations establishing a 150-day contract period limit for declared disaster-or-recovery-related contracts "entered into using procedures other than competitive procedures." Contracts to be covered by the proposed section 695 PKEMRA