

information that could benefit the patient by reducing the chance of the patient not being informed of a laboratory test result, reducing the number of patients lost to follow-up, and benefiting health care providers by reducing their workload in providing laboratory test reports.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

#### List of Subjects

##### 42 CFR Part 493

Administrative practice and procedure, Grant programs—health, Health facilities, Laboratories, Medicaid, Medicare, Penalties, Reporting and recordkeeping requirements.

##### 45 CFR Part 164

Administrative practice and procedure, Computer technology, Electronic information system, Electronic transactions, Employer benefit plan, Health, Health care, Health facilities, Health insurance, Health records, Hospitals, Medicaid, Medical research, Medicare, Privacy, Reporting and recordkeeping requirements, Security.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR part 493, and the Department proposes to amend 45 CFR Subtitle A, Subchapter C, part 164, as set forth below:

#### Title 42—Public Health

#### PART 493—LABORATORY REQUIREMENTS

1. The authority citation for part 493 continues to read as follows:

**Authority:** Section 353 of the Public Health Service Act, secs. 1102, 1861(e), the sentence following sections 1861(s)(11) through 1861(16) of the Social Security Act (42 U.S.C. 263a, 1302, 1395x(e), the sentence following 1395x(s)(11) through 1395x(s)(16)).

#### Subpart K—Quality System for Nonwaived Testing

2. Section 493.1291 is amended by—  
A. Revising paragraph (f).  
B. Adding a new paragraph (l).  
The revision and addition read as follows:

##### § 493.1291 Standard: Test report.

(f) Except as provided in paragraph (l) of this section, test results must be released only to authorized persons and, if applicable, the individuals (or their personal representative) responsible for

using the test results and the laboratory that initially requested the test.

\* \* \* \* \*

(l) Upon a patient's request, the laboratory may provide access to completed test reports that, using the laboratory's authentication process, can be identified as belonging to that patient.

#### Title 45—Public Welfare

#### PART 164—SECURITY AND PRIVACY

3. The authority citation for part 164 continues to read as follows:

**Authority:** 42 U.S.C. 1320d–1320d–8; sec. 264, Pub. Law 104–191, 110 Stat. 2033–2034 (42 U.S.C. 1320d–2 (note)); secs. 13400–13402, Pub. Law 111–5, 123 Stat. 258–263.

4. Section 164.524 is amended by revising paragraphs (a)(1)(i) and (ii) and removing paragraph (a)(1)(iii) to read as follows:

##### § 164.524 Access of individuals to protected health information.

(a) (1) \* \* \*  
(i) Psychotherapy notes; and  
(ii) Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.

\* \* \* \* \*

Dated: April 1, 2011.

**Thomas R. Frieden,**

*Director, Centers for Disease Control and Prevention, Administrator, Agency for Toxic Substances and Disease Registry.*

Dated: August 12, 2011.

**Donald M. Berwick,**

*Administrator, Centers for Medicare & Medicaid Services.*

Dated: September 7, 2011.

**Leon Rodriguez,**

*Director, Office for Civil Rights.*

Dated: September 7, 2011.

**Kathleen Sebelius,**

*Secretary, Department of Health and Human Services.*

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**BILLING CODE 4120–01–P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

##### 44 CFR Part 67

**Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1214]**

#### 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 proposed rule 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, 2011.

**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–1214, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) [luis.rodriguez1@dhs.gov](mailto:luis.rodriguez1@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) [luis.rodriguez1@dhs.gov](mailto:luis.rodriguez1@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:

State	City/town/county	Source of flooding	Location**	Elevation	
				Existing	Modified
<b>Unincorporated Areas of Cascade County, Montana</b>					
Montana .....	Unincorporated Areas of Cascade County.	Missouri River (near Mid Canon).	Approximately 200 feet upstream of I–15 (westbound).	None	+3433
			Approximately 1.2 miles upstream of I–15 (eastbound).	None	+3440

\* 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 Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**Unincorporated Areas of Cascade County**

Maps are available for inspection at 415 3rd Street Northwest, Great Falls, MT 59403.

<b>Unincorporated Areas of Pontotoc County, Oklahoma</b>					
Oklahoma .....	Unincorporated Areas of Pontotoc County.	Clear Boggy Creek .....	At the downstream side of Craddock Road.	None	+865
			Approximately 0.4 mile upstream of Craddock Road.	None	+876
Oklahoma .....	Unincorporated Areas of Pontotoc County.	Town Branch .....	Approximately 400 feet upstream of South Saint Memphis Road.	+853	+852
			Approximately 1,600 feet upstream of South Saint Memphis Road.	+855	+856
Oklahoma .....	Unincorporated Areas of Pontotoc County.	Tributary 1 .....	At the downstream side of U.S. Route 3	None	+824
			Approximately 1,975 feet upstream of County Road East 1570.	None	+845
Oklahoma .....	Unincorporated Areas of Pontotoc County.	Tributary 2 .....	Approximately 600 feet upstream of the Tributary 1 confluence.	None	+831

State	City/town/county	Source of flooding	Location**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)	
				Existing	Modified
			Approximately 1,175 feet upstream of County Road East 1570.	None	+853

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+ North American Vertical Datum.

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Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**Unincorporated Areas of Pontotoc County**

Maps are available for inspection at 120 West 13th Street, Ada, OK 74821.

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	

**George County, Mississippi, and Incorporated Areas**

Black Creek .....	Approximately 1.7 miles downstream of State Route 57.	None	+39	Unincorporated Areas of George County.
Chickasawhay River .....	Approximately 1.2 miles upstream of State Route 57	None	+43	Unincorporated Areas of George County.
	At the Leaf River confluence .....	None	+59	
Depot Creek .....	Approximately 3.8 miles upstream of the Leaf River confluence.	None	+61	City of Lucedale, Unincorporated Areas of George County.
	Approximately 1.0 mile downstream of Beaver Dam Road.	None	+141	
Indian Creek .....	Approximately 1,140 feet upstream of Depot Road ....	None	+189	Unincorporated Areas of George County.
	Approximately 0.5 mile downstream of Grain Elevator Road.	None	+38	
Leaf River .....	Approximately 0.6 mile upstream of Grain Elevator Road.	None	+56	Unincorporated Areas of George County.
	At the Chickasawhay River confluence .....	None	+59	
Pascagoula River .....	Approximately 3.1 miles upstream of the Chickasawhay River confluence.	None	+60	Unincorporated Areas of George County.
	Approximately 1.2 miles upstream of the Plum Bluff Cutoff confluence.	None	+40	
Red Creek .....	Approximately 1,690 feet upstream of Merrill Salem Road.	None	+59	Unincorporated Areas of George County.
	Approximately 1.8 miles downstream of Red Creek Road.	None	+37	
	Approximately 2.9 miles upstream of Red Creek Road.	None	+46	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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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			

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Lucedale

Maps are available for inspection at the City Clerk's Office, 5126 Main Street, Lucedale, MS 39452.

##### Unincorporated Areas of George County

Maps are available for inspection at the George County Courthouse, 355 Cox Street, Lucedale, MS 39452.

#### Rockland County, New York (All Jurisdictions)

Demarest Kill .....	At the West Branch Hackensack River confluence .....	+95	+98			Town of Clarkstown.
	At the upstream side of Little Tor Road .....	+248	+247			
East Branch Hackensack River.	At the upstream side of Old Mill Road .....	+86	+88			Town of Clarkstown.
	Approximately 600 feet downstream of Rockland Lake.	+150	+151			
Golf Course Brook .....	At the upstream side of Nottingham Drive .....	+325	+326			Village of Montebello.
	At the upstream side of Spook Rock Road .....	+491	+492			
Hackensack River .....	At the Town of Orangetown/Town of Clarkstown corporate limit.	+59	+58			Town of Clarkstown, Town of Orangetown.
	At the downstream side of Old Mill Road .....	+67	+66			
Minisceongo Creek .....	At the upstream side of the dam (near Gagan Road)	+10	+11			Town of Haverstraw, Village of Haverstraw, Village of West Haverstraw.
	Approximately 1,000 feet upstream of Thiels Ivy Road	None	+349			
Nauraushaun Brook .....	At the Hackensack River confluence .....	+55	+57			Town of Clarkstown, Town of Orangetown.
	Approximately 200 feet upstream of Smith Road .....	+295	+297			
North Branch Pascack Brook	At the Pascack Brook confluence .....	+350	+351			Town of Ramapo, Town of Clarkstown, Village of New Hempstead, Village of New Square, Village of Spring Valley.
	Approximately 250 feet upstream of Greenridge Way	+514	+513			
Pascack Brook .....	At the New Jersey state boundary .....	+202	+207			Town of Ramapo, Town of Clarkstown, Town of Orangetown, Village of Chestnut Ridge, Village of Kaser, Village of Spring Valley.
	At the downstream side of Grosser Lane .....	+580	+578			
Sparkill Creek .....	Approximately 350 feet downstream of Rock Road ...	+13	+14			Village of Piermont, Town of Orangetown.
	At the upstream side of Erie Street .....	+123	+124			
West Branch Hackensack River.	At the upstream side of Ridge Road .....	+87	+88			Town of Clarkstown.
	At the Town of Ramapo corporate limit .....	+297	+290			
West Branch Saddle River ...	At the upstream side of the New Jersey state boundary.	+324	+325			Town of Ramapo, Village of Airmont.
	Approximately 280 feet upstream of Olympia Lane ...	+533	+530			

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Town of Clarkstown

Maps are available for inspection at the Clarkstown Town Hall, 10 Maple Avenue, New City, NY 10956.

##### Town of Haverstraw

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	

Maps are available for inspection at the Haverstraw Town Hall, 1 Rosemand Road, Garnerville, NY 10923.

**Town of Orangetown**

Maps are available for inspection at the Town of Orangetown Building Department, 20 Greenbush Road, Orangeburg, NY 10962.

**Town of Ramapo**

Maps are available for inspection at the Ramapo Town Hall, 237 State Route 59, Suffern, NY 10901.

**Village of Airmont**

Maps are available for inspection at the Village Hall, 251 Cherry Lane, Airmont, NY 10982.

**Village of Chestnut Ridge**

Maps are available for inspection at the Village Hall, 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

**Village of Haverstraw**

Maps are available for inspection at the Haverstraw Village Hall, 40 New Main Street, Haverstraw, NY 10927.

**Village of Kaser**

Maps are available for inspection at the Kaser Village Hall, 15 Elyon Road, Monsey, NY 10952.

**Village of Montebello**

Maps are available for inspection at the Village Hall, 1 Montebello Road, Montebello, NY 10901.

**Village of New Hempstead**

Maps are available for inspection at the New Hempstead Village Hall, 108 Old Schoolhouse Road, New City, NY 10956.

**Village of New Square**

Maps are available for inspection at the Village Hall, 766 North Main Street, New Square, NY 10977.

**Village of Piermont**

Maps are available for inspection at the Village Hall, 478 Piermont Avenue, Piermont, NY 10968.

**Village of Spring Valley**

Maps are available for inspection at the Village Hall, 200 North Main Street, Spring Valley, NY 10977.

**Village of West Haverstraw**

Maps are available for inspection at the Village Hall, 130 Samsondale Avenue, West Haverstraw, NY 10993.

**Vernon County, Wisconsin, and Incorporated Areas**

Mississippi River .....	Approximately 185 feet upstream of the Crawford County boundary.	+635	+633	Unincorporated Areas of Vernon County, Village of De Soto, Village of Genoa, Village of Stoddard.
	Approximately 2.75 miles downstream of the La Crosse County boundary.	+639	+638	
West Branch Baraboo River ..	Approximately 272 feet downstream of the West Branch Baraboo River Split Flow 2 confluence.	+941	+932	City of Hillsboro, Unincorporated Areas of Vernon County.
West Branch Baraboo River Split Flow 2.	At Sebranek Lane .....	+967	+966	City of Hillsboro, Unincorporated Areas of Vernon County.
	Approximately 704 feet downstream of the West Branch Baraboo River confluence.	None	+931	
	At the West Branch Baraboo River confluence .....	None	+932	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Hillsboro**

Maps are available for inspection at 123 Mechanic Street, Hillsboro, WI 54634.

**Unincorporated Areas of Vernon County**

Maps are available for inspection at 400 Courthouse Square, Viroqua, WI 54665.

**Village of De Soto**

Maps are available for inspection at 115 South Houghton Street, De Soto, WI 54624.

**Village of Genoa**

Maps are available for inspection at 111 Main Street, Genoa, WI 54632.

Flooding Source(s)	Location of Referenced Elevation**	* Elevation in feet (NGVD)	Communities Affected
		+ Elevation in feet (NAVD)	
		# Depth in feet above ground	
		^ Elevation in meters (MSL)	
		Effective	Modified

**Village of Stoddard**

Maps are available for inspection at 180 North Main Street, Stoddard, WI 54658.

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

Dated: August 30, 2011.

**Sandra K. Knight,**

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

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