

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2011-0002; Internal Agency Docket No. FEMA-8165]

#### 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
<b>Region III</b>				
Virginia: Petersburg, City of, Independent City.	510112	November 7, 1973, Emerg; March 16, 1981, Reg; February 4, 2011, Susp.	Feb. 4, 2011 .....	Feb. 4, 2011.
<b>Region V</b>				
Illinois:				
Banner, Village of, Fulton County .....	170743	December 30, 1975, Emerg; July 2, 1981, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Fulton County, Unincorporated Areas ...	170241	November 13, 1979, Emerg; January 17, 1986, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Lewistown, City of, Fulton County .....	170782	July 28, 1975, Emerg; October 5, 1984, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Liverpool, Village of, Fulton County .....	170762	December 10, 1974, Emerg; June 15, 1981, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Mark, Village of, Putnam County .....	170572	April 23, 1976, Emerg; January 3, 1985, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Putnam County, Unincorporated Areas	170993	June 5, 1981, Emerg; November 15, 1984, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Standard, Village of, Putnam County ....	171012	January 16, 1984, Emerg; March 1, 1987, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Minnesota: Bertha, City of, Todd County	270474	April 7, 1975, Emerg; July 17, 1986, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Browerville, City of, Todd County .....	270475	April 16, 1974, Emerg; September 30, 1988, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Clarissa, City of, Todd County .....	270476	April 30, 1974, Emerg; June 3, 1986, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Eagle Bend, City of, Todd County .....	270477	July 2, 1974, Emerg; June 3, 1986, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Hewitt, City of, Todd County .....	270478	September 16, 1975, Emerg; June 8, 1984, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Long Prairie, City of, Todd County .....	270479	April 16, 1974, Emerg; July 16, 1980, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Todd County, Unincorporated Areas .....	270551	February 1, 1974, Emerg; September 1, 1988, Reg; February 4, 2011, Susp.	.....do* .....	Do.
<b>Region VI</b>				
Arkansas:				
Harrisburg, City of, Poinsett County .....	050173	February 27, 1975, Emerg; November 1, 1985, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Lepanto, City of, Poinsett County .....	050174	July 17, 1974, Emerg; July 4, 1988, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Marked Tree, City of, Poinsett County ..	050175	May 21, 1975, Emerg; July 16, 1980, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Poinsett County, Unincorporated Areas	050172	May 6, 1983, Emerg; August 19, 1987, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Trumann, City of, Poinsett County .....	050176	September 5, 1974, Emerg; April 15, 1979, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Tyrone, City of, Poinsett County .....	050371	May 12, 1975, Emerg; September 28, 1982, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Waldenburg, Town of, Poinsett County	050497	June 16, 2010, Emerg; February 4, 2011, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Weiner, City of, Poinsett County .....	050373	October 31, 1975, Emerg; September 28, 1982, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Oklahoma:				
Boynton, Town of, Muskogee County ...	400120	June 24, 1976, Emerg; September 28, 1979, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Braggs, Town of, Muskogee County .....	400121	October 30, 1975, Emerg; May 25, 1978, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Fort Gibson, Town of, Cherokee and Muskogee Counties.	400123	July 8, 1977, Emerg; July 16, 1980, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Haskell, Town of, Muskogee County ....	400124	August 7, 1975, Emerg; December 4, 1979, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Muskogee, City of, Muskogee County ..	400125	April 22, 1975, Emerg; July 2, 1980, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Muskogee County, Unincorporated Areas.	400491	September 27, 1985, Emerg; March 4, 1991, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Oktaha, Town of, Muskogee County .....	400126	October 14, 1975, Emerg; May 25, 1978, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Porum, Town of, Muskogee County .....	400127	May 21, 1976, Emerg; April 15, 1980, Reg; February 4, 2011, 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
Taft, Town of, Muskogee County .....	400128	June 26, 1976, Emerg; August 25, 1987, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Wainwright, Town of, Muskogee County	400129	March 9, 1976, Emerg; August 8, 1978, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Warner, Town of, Muskogee County ....	400130	December 29, 1976, Emerg; May 25, 1978, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Webbers Falls, Town of, Muskogee County.	400131	November 28, 1975, Emerg; May 1, 1980, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Texas:				
Bandera County, Unincorporated Areas	480020	January 21, 1974, Emerg; November 1, 1978, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Benavides, City of, Duval County .....	480792	July 24, 1975, Emerg; March 4, 1986, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Colorado County, WCID Number 2 .....	481489	October 28, 1977, Emerg; June 1, 1988, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Colorado County, Unincorporated Areas	480144	February 29, 1980, Emerg; September 19, 1990, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Columbus, City of, Colorado County ....	480145	February 19, 1975, Emerg; June 19, 1985, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Duval County, Unincorporated Areas ....	480202	July 24, 1975, Emerg; May 1, 1987, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Eagle Lake, City of, Colorado County ...	480146	July 30, 1975, Emerg; April 1, 1987, Reg; February 4, 2011, Susp.	.....do* .....	Do.
Lamesa, City of, Dawson County .....	480191	February 25, 1972, Emerg; April 30, 1976, Reg; February 4, 2011, Susp.	.....do* .....	Do.
San Diego, City of, Duval and Jim Wells Counties.	481199	December 26, 1975, Emerg; March 1, 1987, Reg; February 4, 2011, Susp.	.....do* .....	Do.

\*-do- = Ditto.

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

Dated: January 19, 2011.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation.*

[FR Doc. 2011-1930 Filed 1-27-11; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**49 CFR Part 26**

[Docket No. OST-2010-0118]

**RIN 2105-AD75**

**Disadvantaged Business Enterprise: Program Improvements**

**AGENCY:** Office of the Secretary (OST), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule improves the administration of the Disadvantaged Business Enterprise (DBE) program by increasing accountability for recipients with respect to meeting overall goals, modifying and updating certification requirements, adjusting the personal net worth (PNW) threshold for inflation, providing for expedited interstate certification, adding provisions to foster small business participation, improving

post-award oversight, and addressing other issues.

**DATES: Effective Dates:** This rule is effective February 28, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, Room W94-302, 202-366-9310, [bob.ashby@dot.gov](mailto:bob.ashby@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Department of Transportation issued an advance notice of proposed rulemaking (ANPRM) concerning several DBE program issues on April 8, 2009 (74 FR 15904). The first issue raised in the ANPRM concerned counting of items obtained by a DBE subcontractor from its prime contractor. The second concerned ways of encouraging the “unbundling” of contracts to facilitate participation by small businesses, including DBEs. The third was a request for comments on potential improvements to the DBE application form and personal net worth (PNW) form. The fourth asked for suggestions related to program oversight. The fifth concerned potential regulatory action to facilitate certification for firms seeking to work as DBEs in more than one state.

The sixth concerned additional limitations on the discretion of prime contractors to terminate DBEs for convenience, once the prime contractor had committed to using the DBE as part of its showing of good faith efforts. The Department received approximately 30 comment letters regarding these issues.

On May 10, 2010, the Department issued a notice of proposed rulemaking (NPRM) seeking further comment on proposals based on the ANPRM and proposing new provisions (75 FR 25815). The NPRM proposed an inflationary adjustment of the PNW cap to \$1.31 million, the figure that would result from proposed Federal Aviation Administration (FAA) reauthorization legislation then pending in both Houses of Congress. The Department proposed additional measures to hold recipients accountable for their performance in achieving DBE overall goals.

The NPRM also proposed amendments to the certification-related provisions of the DBE regulation. Those proposals resulted from the Department’s experience dealing with certification issues and certification appeal cases during the years since the last major revision of the DBE rule in 1999. The proposed amendments were intended to clarify issues that have arisen and avoid problems with which