

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	
	Approximately 0.91 mile upstream of the confluence with Kings Creek (Upper Reach).	None	+506	

\* 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 Dallas

Maps are available for inspection at 320 East Jefferson Boulevard, Room 307, Dallas, TX 75203.

##### City of Forney

Maps are available for inspection at City Hall, 101 West Main Street, Forney, TX 75126.

##### City of Heath

Maps are available for inspection at City Hall, 200 Laurence Drive, Heath, TX 75032.

##### City of Mabank

Maps are available for inspection at City Hall, 129 East Market Street, Mabank, TX 75147.

##### City of Terrell

Maps are available for inspection at City Hall, 201 East Nash Street, Terrell, TX 75160.

#### Unincorporated Areas of Kaufman County

Maps are available for inspection at the Kaufman County Courthouse, 100 West Mulberry Street, Kaufman, TX 75142.

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

Dated: September 21, 2010.

**Edward L. Connor,**

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

[FR Doc. 2010-25337 Filed 10-6-10; 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-1145]

### 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 January 5, 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-1145, 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](mailto: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](mailto: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:

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
City of Suffolk, Virginia					
Virginia .....	City of Suffolk .....	Hampton Roads .....	From the intersection of Sandy Drive and South Road to approximately 310 feet south, extending approximately 500 feet west along Sandy Drive.	None	+8
Virginia .....	City of Suffolk .....	Unnamed Ponding areas controlled by Hampton Roads.	From the intersection of Sandy Drive and Hampton Road to approximately 1,100 feet south, and extending approximately 510 feet east along Sandy Drive.	None	+8

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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 Suffolk

Maps are available for inspection at Suffolk City Manager's Office, 441 Market Street, Suffolk, VA 23434.

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	
Clay County, Arkansas, and Incorporated Areas				
Cypress Creek Ditch .....	Just upstream of Corridor 143 .....	None	+283	City of Corning, Unincorporated Areas of Clay County.
Sugar Creek .....	Approximately 0.54 mile downstream of Corridor 142	None	+289	
	Approximately 1,255 feet downstream of Pfeiffer Street.	None	+282	Unincorporated Areas of Clay County.
	Approximately 0.57 mile upstream of the confluence with Club Drain.	None	+317	

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	
Tributary 2 .....	Approximately 1,350 feet upstream of West Jackson Street.	None	+329	Unincorporated Areas of Clay County. City of Corning, Unincorporated Areas of Clay County.
Victory Lake .....	Approximately 0.5 mile upstream of Union Pacific Railroad.	None	+281	
	Approximately 1.15 mile upstream of Process Road ...	None	+283	

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#### ADDRESSES

##### City of Corning

Maps are available for inspection at City Hall, 304 Southwest 2nd Street, Corning, AR 72422.

##### Unincorporated Areas of Clay County

Maps are available for inspection at the Clay County Courthouse, 168 East Main Street, Piggott, AR 72454.

#### Montgomery County, Indiana, and Incorporated Areas

Dry Branch .....	At the confluence with Sugar Creek .....	None	+659	City of Crawfordsville, Unincorporated Areas of Montgomery County.
	Approximately 0.5 mile upstream of Joe Allen Parkway.	None	+766	
Sugar Creek .....	Approximately 1.2 mile downstream of NYC Railroad	None	+647	City of Crawfordsville, Unincorporated Areas of Montgomery County.
Unnamed Tributary Dry Branch.	Approximately 0.38 mile upstream of I-74 .....	None	+689	
	At the confluence with Dry Branch .....	None	+698	City of Crawfordsville, Unincorporated Areas of Montgomery County.
	Approximately 260 feet upstream of County Road 150 South.	None	+791	

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#### ADDRESSES

##### City of Crawfordsville

Maps are available for inspection at the Planning and Community Development Department, 300 East Pike Street, Crawfordsville, IN 47933.

##### Unincorporated Areas of Montgomery County

Maps are available for inspection at the Montgomery County South Boulevard Building, 110 West South Boulevard, Crawfordsville, IN 47933.

#### Morehouse Parish, Louisiana, and Incorporated Areas

Horse Bayou .....	Just upstream of Cherry Ridge Road .....	None	+98	City of Bastrop, Unincorporated Areas of Morehouse Parish.
	Approximately 140 feet upstream of Louisiana Highway 830-4.	None	+122	
Staulking Head Creek .....	Approximately 489 feet downstream of Henry Avenue	None	+84	City of Bastrop, Unincorporated Areas of Morehouse Parish.
	Approximately 520 feet upstream of Cleveland Street	None	+114	

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	
W-10 Canal .....	Approximately 4,330 feet downstream of the dam .....	None	+91	City of Bastrop, Unincorporated Areas of Morehouse Parish.
	Approximately 2,382 feet upstream of the dam .....	None	+102	

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#### ADDRESSES

##### City of Bastrop

Maps are available for inspection at 202 East Jefferson Street, Room 230, Bastrop, LA 71221.

##### Unincorporated Areas of Morehouse Parish

Maps are available for inspection at 125 East Madison Avenue, Bastrop, LA 71220.

#### Cecil County, Maryland, and Incorporated Areas

Back Creek .....	Approximately 224 feet downstream of 2nd Street .....	None	+11	Unincorporated Areas of Cecil County.
	Approximately 1,136 feet upstream of Old Telegraph Road.	None	+11	
Big Elk Creek .....	At West Pulaski Road .....	+11	+12	Town of Elkton, Unincorporated Areas of Cecil County.
	Approximately 1,140 feet downstream of Elk Mills Road.	None	+80	
Bohemia River .....	At Augustine Herman Highway .....	None	+11	Unincorporated Areas of Cecil County.
	Approximately 860 feet upstream of Old Telegraph Road.	None	+11	
Chesapeake and Delaware Canal.	Approximately 0.92 mile upstream of Augustine Herman Highway.	None	+11	Unincorporated Areas of Cecil County.
	Approximately 1.96 mile upstream of Augustine Herman Highway.	None	+11	
Christina Creek .....	Approximately 647 feet downstream of Little Egypt Road.	+179	+181	Unincorporated Areas of Cecil County.
	Approximately 977 feet downstream of Elbow Road ...	+259	+260	
Dogwood Run .....	At the confluence with Little Elk Creek .....	+21	+22	Town of Elkton, Unincorporated Areas of Cecil County.
	Approximately 422 feet upstream of the confluence with Little Elk Creek.	+21	+22	
Gravelly Run .....	At the confluence with Little Elk Creek .....	None	+50	Unincorporated Areas of Cecil County.
	Approximately 246 feet downstream of Blue Ball Road.	None	+57	
Hall Creek .....	At Glebe Road .....	None	+11	Unincorporated Areas of Cecil County.
	Approximately 0.86 mile upstream of Mill Lane .....	None	+11	
Herring Creek .....	Approximately 2.74 miles downstream of Augustine Herman Highway.	None	+11	Unincorporated Areas of Cecil County.
	Approximately 1,609 feet downstream of Augustine Herman Highway.	None	+11	
Laurel Run .....	At the confluence with Little Elk Creek .....	None	+40	Unincorporated Areas of Cecil County.
	Approximately 1,500 feet downstream of the confluence with West Branch Laurel Run.	None	+59	
Little Bohemia Creek .....	At the confluence with Bohemia Creek .....	None	+11	Unincorporated Areas of Cecil County.
	At Bohemia Church Road .....	None	+11	

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
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Little Elk Creek .....	Approximately 631 feet downstream of West Pulaski Highway.	+11	+14	Town of Elkton, Unincorporated Areas of Cecil County.
Little Elk Creek .....	Approximately 1,220 feet downstream of Elkton Road	+15	+16	Unincorporated Areas of Cecil County.
	Approximately 425 feet downstream of the confluence with Laurel Run.	None	+40	
Little Northeast Creek .....	Approximately 910 feet downstream of Heron Lane ...	None	+58	Unincorporated Areas of Cecil County.
	Approximately 210 feet upstream of Pulaski Highway	+37	+39	
	Approximately 115 feet upstream of Mechanics Valley Road.	+52	+53	Unincorporated Areas of Cecil County.
Long Creek .....	At Boat Yard Road .....	None	+11	
Mill Creek .....	At Woods Road .....	None	+11	Unincorporated Areas of Cecil County.
	Approximately 52 feet downstream of Chessie System Railroad.	+104	+106	
Mill Creek (Tributary to Little Elk Creek).	Approximately 260 feet downstream of Principio Road	+283	+284	Unincorporated Areas of Cecil County.
	Approximately 1,624 feet downstream of Old Elk Neck Road.	None	+11	
	Approximately 1,939 feet upstream of Old Elk Neck Road.	None	+11	Town of North East, Unincorporated Areas of Cecil County.
Northeast Creek .....	Approximately 76 feet downstream of Main Street .....	+11	+13	
	Approximately 125 feet downstream of Chessie System Railroad.	+71	+72	Unincorporated Areas of Cecil County.
Perch Creek .....	Approximately 0.49 mile downstream of Augustine Herman Highway.	None	+11	
Plum Creek .....	At Augustine Herman Highway .....	None	+11	Unincorporated Areas of Cecil County.
	Approximately 1.32 mile downstream of Old Field Point Road.	None	+11	
	Approximately 1,154 feet upstream of Old Elk Neck Road.	None	+11	Unincorporated Areas of Cecil County.
Susquehanna River .....	Approximately 1.75 mile upstream of I-95 .....	+11	+12	
Tributary 1 To Stone Run .....	At U.S. Route 1 .....	+37	+38	City of Rising Sun, Unincorporated Areas of Cecil County.
	Approximately 0.4 mile downstream of Mount Street ..	+282	+283	
Unnamed Tributary To Laurel Run.	Approximately 995 feet downstream of Main Street ....	+327	+330	Unincorporated Areas of Cecil County.
	Approximately 230 feet upstream of the confluence with Laurel Run.	None	+41	
	Approximately 1,400 feet upstream of the confluence with Laurel Run.	None	+52	Unincorporated Areas of Cecil County.
West Branch Christina River	Approximately 525 feet downstream of Vieves Way ...	+143	+144	
West Branch Laurel Run .....	Approximately 332 feet upstream of Barksdale Road	+156	+157	Unincorporated Areas of Cecil County.
	Approximately 494 feet upstream of the confluence with Laurel Run.	None	+64	
	Approximately 93 feet upstream of Marley Road .....	None	+74	

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#### ADDRESSES

##### City of Rising Sun

Maps are available for inspection at City Hall, 1 East Main Street, Rising Sun, MD 21911.

##### Town of Elkton

Maps are available for inspection at the Town Hall, 100 Railroad Avenue, Elkton, MD 21921.

##### Town of North East

Maps are available for inspection at the Town Hall, 106 South Main Street, North East, MD 21901.

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#### Unincorporated Areas of Cecil County

Maps are available for inspection at the Cecil County Office Of Planning and Zoning, 200 Chesapeake Boulevard, Suite 2300, Elkton, MD 21921.

#### Walsh County, North Dakota, and Incorporated Areas

Red River of the North .....	Approximately 2,000 feet downstream of 77th Street Northeast extended.	None	+802	Unincorporated Areas of Walsh County.
	Approximately 260 feet upstream of North Dakota Highway 54.	None	+812	

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#### ADDRESSES

##### Unincorporated Areas of Walsh County

Maps are available for inspection at 600 Cooper Avenue, Grafton, ND 58237.

#### Schuylkill County, Pennsylvania (All Jurisdictions)

Little Schuylkill River .....	Approximately 1,750 feet downstream of State Route 895 bridge.	None	+548	Township of East Brunswick.
	Approximately at the railroad bridge .....	None	+563	
Mahanoy Creek .....	Approximately 0.71 mile upstream of Rice Road .....	None	+781	Township of Butler.
	Approximately 560 feet upstream of the railroad bridge.	None	+811	
Schuylkill River .....	Approximately 1,349 feet upstream of Mount Carbon Arch Road.	None	+594	Borough of Mechanicsville, Borough of Palo Alto.
	Approximately 100 feet upstream of Coal Street .....	None	+631	
West Branch Schuylkill River	Approximately 1,582 feet upstream of East Sunbury Street.	None	+702	Township of New Castle, Township of Norwegian.
	Approximately 169 feet upstream of the intersection of Greenbury Road and State Route 4002.	None	+848	

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#### ADDRESSES

##### Borough of Mechanicsville

Maps are available for inspection at the Mechanicsville Borough Hall, 1342 Pottsville Street, Mechanicsville Borough Hall, PA 17901.

##### Borough of Palo Alto

Maps are available for inspection at the Borough Hall, 142 East Bacon Street, Palo Alto, PA 17901.

##### Township of Butler

Maps are available for inspection at the Butler Township Municipal Building, 211 Broad Street, Ashland, PA 17921.

##### Township of East Brunswick

Maps are available for inspection at the East Brunswick Township Municipal Building, 55 West Catawissa Street, New Ringgold, PA 17960.

##### Township of New Castle

Maps are available for inspection at the New Castle Township Municipal Building, 248–250 Broad Street, Saint Clair, PA 17970.

##### Township of Norwegian

Maps are available for inspection at the Norwegian Township Municipal Building, 506 Maple Avenue, Marlin, PA 17951.

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
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Darlington County, South Carolina, and Incorporated Areas				
Beaverdam Creek .....	At the confluence with Black Creek .....	None	+178	Unincorporated Areas of Darlington County.
	Approximately 0.7 mile upstream of Bobo Newsom Highway.	None	+189	
Black Creek (DS) .....	Approximately 0.5 mile downstream of Muses Bridge Road.	None	+77	City of Darlington, Unincor- porated Areas of Dar- lington County.
Black Creek .....	Just downstream of Society Hill Road .....	None	+102	City of Hartsville, Unincor- porated Areas of Dar- lington County.
	Approximately 1.4 mile downstream of Patrick High- way.	None	+158	
	Approximately 0.5 mile downstream of New Market Road.	None	+178	
Black Creek (US) .....	Approximately 1,148 feet downstream of West Old Camden Road.	None	+189	Unincorporated Areas of Darlington County.
	Approximately 2.6 miles upstream of West Old Cam- den Road.	None	+227	
Black Creek Tributary 1 .....	At the confluence with Black Creek .....	None	+85	Unincorporated Areas of Darlington County.
	Approximately 0.5 mile upstream of the confluence with Black Creek.	None	+86	
Great Pee Dee River .....	Approximately 927 feet downstream of North Main Street.	None	+82	Unincorporated Areas of Darlington County.
High Hill Creek .....	At the confluence with Cedar Creek .....	None	+84	Unincorporated Areas of Darlington County.
	Approximately 67 feet downstream of Pisgah Road ....	None	+89	
Indian Creek .....	Approximately 140 feet upstream of Ebenezer Road ..	None	+110	City of Darlington, Unincor- porated Areas of Dar- lington County.
	At the confluence with Swift Creek .....	None	+117	
McCalls Branch .....	Approximately 0.5 mile upstream of Rogers Road .....	None	+142	Unincorporated Areas of Darlington County.
	Approximately 1,441 feet downstream of I-20 .....	None	+166	
	Approximately 364 feet upstream of Buck Reynolds Road.	None	+176	
Newman Swamp .....	Approximately 445 feet downstream of Zion Road .....	None	+149	Town of Lamar, Unincor- porated Areas of Dar- lington County.
Spring Branch .....	Approximately 1,860 feet upstream of Lamar Highway	None	+152	Unincorporated Areas of Darlington County.
	At the confluence with Black Creek .....	None	+159	
Star Fork Branch .....	Approximately 0.9 mile upstream of North 5th Street ..	None	+187	Unincorporated Areas of Darlington County.
	At the confluence with High Hill Creek .....	None	+103	
Star Fork Branch Tributary 1	Approximately 325 feet upstream of Ebenezer Road ..	None	+114	Unincorporated Areas of Darlington County.
	At the confluence with Star Fork Branch .....	None	+103	
	Approximately 733 feet downstream of Ebenezer Road.	None	+120	

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#### ADDRESSES

##### City of Darlington

Maps are available for inspection at 400 Pearl Street, Darlington, SC 29532.

##### City of Hartsville

Maps are available for inspection at 133 West Carolina Avenue, Hartsville, SC 29551.

##### Town of Lamar

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
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Maps are available for inspection at 117 Main Street, Lamar, SC 29069.

#### Unincorporated Areas of Darlington County

Maps are available for inspection at 1 Public Square, Room 405, Darlington, SC 29532.

#### Navarro County, Texas, and Incorporated Areas

Harris Branch of Richland Creek.	Approximately 1,300 feet upstream of Southwest County Road 1070.	None	+406	City of Corsicana, Unincorporated Areas of Navarro County.
	Approximately 1,600 feet downstream of West Cowhead Road.	None	+435	
Harris Branch of Richland Creek Tributary 1.	Just upstream of the confluence with Harris Branch of Richland Creek.	None	+417	City of Corsicana.
	Approximately 900 feet upstream of the confluence with Harris Branch of Richland Creek.	None	+422	
Harris Branch of Richland Creek Tributary 2.	Just upstream of the confluence with Harris Branch of Richland Creek.	None	+423	City of Corsicana.
	Approximately 1,150 feet upstream of the confluence with Harris Branch of Richland Creek.	None	+425	
Harris Branch of Richland Creek Tributary 3.	Just upstream of the confluence with Harris Branch of Richland Creek.	None	+423	City of Corsicana.
	Approximately 0.28 mile upstream of the confluence with Harris Branch of Richland Creek.	None	+430	
Harris Branch of Richland Creek Tributary 5.	Just upstream of the confluence with Harris Branch of Richland Creek.	None	+424	City of Corsicana.
	Approximately 0.44 mile upstream of the confluence with Harris Branch of Richland Creek.	None	+432	
Little Harris Branch .....	Just upstream of the confluence with Harris Branch of Richland Creek.	None	+406	City of Corsicana, Unincorporated Areas of Navarro County.
	Approximately 0.58 mile upstream of the confluence with Harris Branch of Richland Creek.	None	+424	
Little Mesquite Branch .....	Approximately 1,500 feet downstream of the confluence with Mesquite Branch.	None	+384	City of Corsicana.
	Approximately 750 feet downstream of I-45 .....	None	+403	
Post Oak Creek .....	Approximately 750 feet upstream of County Road 10	None	+347	Unincorporated Areas of Navarro County.
	Approximately 900 feet upstream of the confluence with Post Oak Creek Tributary 7.	None	+416	
Post Oak Creek Tributary 5 ..	Just upstream of Burlington Northern Santa Fe Railroad.	+418	+416	City of Corsicana.
	Just upstream of Forrest Lane .....	+430	+427	
Post Oak Creek Tributary 7 ..	Approximately 250 feet downstream of Bowie Circle ..	None	+414	City of Corsicana, Unincorporated Areas of Navarro County.
	Approximately 775 feet upstream of Ryan Drive .....	None	+440	
Town Branch .....	Approximately 550 feet upstream of 24th Street .....	None	+454	City of Corsicana.
	Approximately 900 feet upstream of 24th Street .....	None	+457	
Tributary of Little Mesquite Branch.	Just upstream of the confluence with Little Mesquite Branch.	None	+330	City of Corsicana.
	Approximately 825 feet upstream of U.S. Route 287 ..	None	+409	

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# 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 Corsicana

Maps are available for inspection at City Hall, 200 North 12th Street, Corsicana, TX 75110.

##### Unincorporated Areas of Navarro County

Maps are available for inspection at the Navarro County Courthouse, 300 West 3rd Avenue, Corsicana, TX 75110.

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

Dated: September 21, 2010.

**Edward L. Connor,**

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

[FR Doc. 2010-25340 Filed 10-6-10; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 25

[FAR Case 2009-041; Docket 2010-0105, Sequence 1]

**RIN 9000-AL65**

#### Federal Acquisition Regulation; Sudan Waiver Process

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to revise section 25.702, Prohibition on contracting with entities that conduct restricted business operations in Sudan, to add specific criteria that an agency must address in a waiver request and a waiver consultation process regarding foreign policy aspects of the waiver request for consultations. This information will be provided, in a waiver request, to the President or his appointed designee for consideration on whether the prohibition on awarding a contract to a contractor that conducts business in Sudan should be waived.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat on or before December 6, 2010 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FAR Case 2009-041 by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting "FAR Case 2009-041" under the heading "Enter Keyword or ID" and selecting "Search." Select the link "Submit a

Comment" that corresponds with "FAR Case 2009-041." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "FAR Case 2009-041" on your attached document.

- *Fax:* 202-501-4067.
- *Mail:* General Services

Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, ATTN: Hada Flowers, Washington, DC 20405.

*Instructions:* Please submit comments only and cite FAR Case 2009-041, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Mr. Ernest Woodson, Procurement Analyst, at (202) 501-3775. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite FAR Case 2009-041.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) published a final rule, FAR Case 2008-004, Prohibition on Restricted Business Operations in Sudan and Imports from Burma, in the **Federal Register** at 74 FR 40463 on August 11, 2009, amending the FAR to implement section 6 of the Sudan Accountability and Divestment Act of 2007, Public Law 110-174. Section 6 requires certification in each contract entered into by an Executive Agency that the contractor does not conduct certain business operations in Sudan as described in the act. Additionally, section 6 establishes the President's authority to waive this requirement, on a case-by-case basis, if the President determines and certifies in writing to the appropriate congressional committees that it is in the national interest to do so.

Section 6 of the Sudan Accountability and Divestment Act of 2007 was implemented in the FAR but did not include a waiver consultation process and specific criteria for the waiver request. With the addition of these changes, the FAR will provide consistent guidance on specific criteria that must be included in the waiver request for consideration; and establish a consultation process to ensure all waiver request are reviewed by the appropriate agency experts.

The Councils propose to amend FAR 25.702-4 to add (1) waiver criteria that

agencies must address when requesting a waiver to enter into a contract with a firm that conducts restricted business operations in Sudan that will include specific criteria for the waiver request; and (2) a waiver consultation process that will require all requests to be submitted through the Office of Federal Procurement Policy (OFPP) to the President or his appointed designee for consideration. OFPP will be required to consult with the President's National Security Council, Office of African Affairs and the Department of State Sudan Office and Sanctions Office on foreign policy matters relevant to the waiver request and include this information in the recommendation to the President. All waiver requests must clearly explain why the product or service must be procured from the offeror for which the waiver is requested and why it is in the national interest to waive the statutory prohibition against contracting with an offeror that conducts prohibited business operations in Sudan. In addition, the waiver request must address any humanitarian efforts engaged in by the offeror, the human rights impact of doing business with that offeror, and the extent of the offeror's business operations in Sudan. All of the information required to be included in the waiver request will be considered in determining whether to recommend that the President waive the prohibition.

Additionally, individual and class waiver requests will be considered for a specific contract or class of contracts, as long as the waiver request has been reviewed and cleared by the agency head prior to submitting it to OFPP and the request includes the appropriate waiver information specified at FAR 25.702-4(c)(3). However, a waiver will not be issued for an indefinite period of time, and may be cancelled, if warranted.

In accordance with section 6 of the Sudan Accountability and Divestment Act of 2007, the Administrator of Federal Procurement Policy is required to submit semiannual reports, on April 15th and October 15th, to Congress, on waivers approved by the President. OFPP has submitted two reports to Congress since the publication of the first rule, FAR Case 2008-004, Prohibition on Restricted Business Operations in Sudan and Imports from Burma, but is proposing to include this reporting requirement in the FAR to emphasize this waiver process and reporting requirement.

This is a significant regulatory action and, therefore, was subject to review under section 6 of Executive Order 12866, Regulatory Planning and Review,