

(k) The Iowa Department of Natural Resources submitted for program approval rules 567–22.100, 567–22.105(1)“a”, except subparagraph (9); new subrules 567–22.105(5) and 567–22.106(8); 567–22.110, and 567–22.116 on November 18, 2008. The state effective dates were October 15, 2008. These revisions to the Iowa program are approved effective March 1, 2010.

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BILLING CODE 6560–50–P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–8109]

#### 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:				
Augusta County, Unincorporated Areas	510013	July 24, 1974, Emerg; May 17, 1990, Reg; January 6, 2010, Susp.	Jan. 6, 2010 .....	Jan. 6, 2010
Franklin County, Unincorporated Areas	510061	May 23, 1974, Emerg; May 19, 1981, Reg; January 6, 2010, Susp.	.....do .....	Do.
Staunton, City of, Independent City .....	510155	December 24, 1974, Emerg; December 1, 1978, Reg; January 6, 2010, Susp.	.....do .....	Do.
<b>Region IV</b>				
Alabama: Greensboro, City of, Hale County	010336	March 19, 1975, Emerg; August 19, 1985, Reg; January 6, 2010, Susp.	.....do .....	Do.
Kentucky: Marion County, Unincorporated Areas.	210160	June 7, 1984, Emerg; August 19, 1985, Reg; January 6, 2010, Susp.	.....do .....	Do.
Mississippi:				
Chickasaw County, Unincorporated Areas.	280269	November 15, 2007, Emerg; September 1, 2008, Reg; January 6, 2010, Susp.	.....do .....	Do.
Eupora, Town of, Webster County .....	280183	December 12, 1974, Emerg; June 17, 1986, Reg; January 6, 2010, Susp.	.....do .....	Do.
Houston, City of, Chickasaw County .....	280030	February 14, 1975, Emerg; September 4, 1985, Reg; January 6, 2010, Susp.	.....do .....	Do.
Mathiston, Town of, Webster County ....	280184	June 19, 1975, Emerg; September 29, 1986, Reg; January 6, 2010, Susp.	.....do .....	Do.
New Houlika, Town of, Chickasaw County.	280067	October 25, 2007, Emerg; N/A, Reg; January 6, 2010, Susp.	.....do .....	Do.
Okolona, City of, Chickasaw County .....	280031	December 24, 1974, Emerg; September 4, 1985, Reg; January 6, 2010, Susp.	.....do .....	Do.
Roxie, Town of, Franklin County .....	280055	May 8, 1975, Emerg; June 17, 1986, Reg; January 6, 2010, Susp.	.....do .....	Do.
Webster County, Unincorporated Areas	280284	December 21, 1978, Emerg; September 18, 1985, Reg; January 6, 2010, Susp.	.....do .....	Do.
North Carolina:				
Asheville, City of, Buncombe County ....	370032	June 30, 1976, Emerg; July 16, 1980, Reg; January 6, 2010, Susp.	.....do .....	Do.
Montreat, Town of, Buncombe County	370476	N/A, Emerg; September 19, 2005, Reg; January 6, 2010, Susp.	.....do .....	Do.
Weaverville, Town of, Buncombe County.	370269	N/A, Emerg; May 6, 1997, Reg; January 6, 2010, Susp.	.....do .....	Do.
Woodfin, Town of, Buncombe County ..	370380	February 18, 1975, Emerg; February 1, 1980, Reg; January 6, 2010, Susp.	.....do .....	Do.
<b>Region VII</b>				
Kansas:				
Buhler, City of, Reno County .....	200472	August 7, 1975, Emerg; July 20, 1984, Reg; January 6, 2010, Susp.	.....do .....	Do.
Hutchinson, City of, Reno County .....	200283	January 19, 1973, Emerg; September 5, 1978, Reg; January 6, 2010, Susp.	.....do .....	Do.
Nickerson, City of, Reno County .....	200284	January 16, 1975, Emerg; January 3, 1979, Reg; January 6, 2010, Susp.	.....do .....	Do.
Pretty Prairie, City of, Reno County .....	200549	June 10, 1977, Emerg; September 28, 1990, Reg; January 6, 2010, Susp.	.....do .....	Do.
South Hutchinson, City of, Reno County	200530	August 7, 1975, Emerg; September 28, 1990, Reg; January 6, 2010, Susp.	.....do .....	Do.
Willowbrook, City of, Reno County .....	200285	May 1, 1975, Emerg; August 1, 1986, Reg; January 6, 2010, Susp.	.....do .....	Do.
Nebraska:				
Central City, City of, Merrick County .....	310148	May 20, 1975, Emerg; August 15, 1979, Reg; January 6, 2010, Susp.	.....do .....	Do.
Clarks, Village of, Merrick County .....	310149	August 26, 1975, Emerg; August 19, 1987, Reg; January 6, 2010, Susp.	.....do .....	Do.
Merrick County, Unincorporated Areas	310457	N/A, Emerg; January 31, 1994, Reg; January 6, 2010, Susp.	.....do .....	Do.
Pender, Village of, Thurston County .....	310221	September 20, 1973, Emerg; April 3, 1978, Reg; January 6, 2010, Susp.	.....do .....	Do.
Silver Creek, Village of, Merrick County	310150	July 2, 1975, Emerg; August 26, 1977, Reg; January 6, 2010, Susp.	.....do .....	Do.
Walthill, Village of, Thurston County .....	310222	May 7, 1975, Emerg; September 1, 1986, Reg; January 6, 2010, Susp.	.....do .....	Do.
Winnebago, Town of, Thurston County	310223	January 17, 1975, Emerg; September 1, 1986, Reg; January 6, 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
Winnebago Indian Tribe, Thurston County.	315498	August 6, 1996, Emerg; N/A, Reg; January 6, 2010, Susp.	.....do .....	Do.

\*-do- = Ditto.

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

Dated: December 14, 2009.

**Edward L. Connor,**

*Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E9–30731 Filed 12–28–09; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 207 and 227

[DFARS Case 2006–D055]

#### Defense Federal Acquisition Regulation Supplement; Technical Data and Computer Software Requirements for Major Weapon Systems

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is adopting as final, with a minor change, the interim rule that amended the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 802(a) of the National Defense Authorization Act for Fiscal Year 2007 and DoD policy requirements. Section 802(a) contains requirements for DoD to assess long-term technical data needs when acquiring major weapon systems and subsystems. DoD policy requires similar assessment for computer software needs.

**DATES:** *Effective Date:* December 29, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone 703–602–0328; facsimile 703–602–7887. Please cite DFARS Case 2006–D055.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DoD published an interim rule at 72 FR 51188 on September 6, 2007, to

implement Section 802(a) of the National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109–364). Section 802(a) adds a new subsection (e) to 10 U.S.C. 2320 regarding technical data needs for sustainment of major weapon systems. DoD received one response to the interim rule. This response provided general comments, specific comments, and a proposed alternative.

##### 1. General Comments

a. The rule should better articulate selected policy points. The respondent comments that the rule should better articulate policy points in order to provide insight into the intent of the statute and the program managers' responsibilities—primarily by referencing or reinforcing existing statements of policy and practice, such as those found in the USD (AT&L) Guidebook "Intellectual Property: Navigating Through Commercial Waters". The respondent suggests that contractors rely strongly on these existing policy guidelines and that any "fundamental change to the DoD policy" in the rule could negatively impact contractors' long-term plans for participation in DoD weapons systems programs.

*Response:* There is no fundamental change in long-standing policy in this rule, only a clarified and enhanced requirement to expressly address specific data rights considerations in the acquisition strategy documentation.

b. The new rule may increase the potential for contractors to "walk away from the Government market." The respondent notes that small or medium sized companies would be more likely to avoid Government contracts "[if they] had to turn all their data over to the Government with the possibility that it would then be given to a competitor

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*Response:* Contractors of any size might avoid business opportunities with the Government—or with any other party for that matter—that would require the uncompensated relinquishment of valuable intellectual property assets. However, nothing in the interim rule alters the Government's ability to require delivery of data or

software, nor expands (nor limits nor affects in any way) the Government's ability to disclose proprietary or other sensitive information to a competitor. Nothing in the interim rule changes long-standing, statutorily-based, DoD policy that contractors shall not be required to relinquish proprietary rights as a condition of responding to or receiving award of a DoD solicitation. No revisions have been made in the final rule in response to this comment.

c. Clarify the effect on pre-existing statutory requirements. The respondent requests clarification of whether the rule is intended to affect preexisting statutory requirements such as "march-in rights" under the Bayh-Dole Act.

*Response:* This rule does not conflict with any pre-existing statutory, policy, or regulatory requirements. For example, the rule covers pre-contractual requirements to address technical data and computer software in acquisition strategies, and has absolutely no relationship, express or implied, to the Government's post-contractual interest or ability in exercising its statutory "march-in rights" for patented inventions made during the contract. Accordingly, no clarification in the final rule is necessary.

##### 2. Specific Comments

a. Extension of rule to cover computer software. The respondent objects to the extension of the precepts of section 802(a) to computer software documentation.

*Response:* This issue was anticipated and expressly addressed in the background materials published with the interim rule. DoD strongly reaffirms the policy-based application of these new requirements to computer software, in addition to the mandatory implementation of the statutorily-based requirements for technical data.

The respondent correctly notes that section 802(a) does not expressly apply to computer software—it amends 10 U.S.C. 2320, which applies only to technical data. Accordingly, the mandatory statutory changes could, technically, be implemented without affecting in any way the detailed requirements for documenting software-specific considerations in acquisition