

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

Dated: January 31, 2014.

**Roy E. Wright,**

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

[FR Doc. 2014-06091 Filed 3-19-14; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2014-0002]

#### Final Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

**ADDRESSES:** The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**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 (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*National Environmental Policy Act.* This final 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.

*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 final rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This final 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 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.

#### § 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

| Flooding source(s)                                                                       | Location of referenced elevation                                                             | * Elevation in feet (NGVD)<br>+ Elevation in feet (NAVD)<br># Depth in feet above ground<br>^ Elevation in meters (MSL)<br>Modified | Communities affected     |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b>Mercer County, Pennsylvania (All Jurisdictions)</b><br><b>Docket No.: FEMA-B-1127</b> |                                                                                              |                                                                                                                                     |                          |
| Baker Run .....                                                                          | Approximately 55 feet upstream of Highland Road .....                                        | +1114                                                                                                                               | City of Sharon.          |
|                                                                                          | Approximately 30 feet downstream of Richmond Drive .....                                     | +1117                                                                                                                               |                          |
| Little Shenango River .....                                                              | Approximately 0.94 mile downstream of the confluence with Little Shenango River Tributary 1. | +968                                                                                                                                | Township of Sugar Grove. |
|                                                                                          | Approximately 0.9 mile downstream of the confluence with Little Shenango River Tributary 1.  | +968                                                                                                                                |                          |
| Munnel Run .....                                                                         | Approximately 0.31 mile upstream of Home Street .....                                        | +1125                                                                                                                               | Township of Findley.     |
|                                                                                          | Approximately 0.21 mile downstream of Franklin Street ....                                   | +1131                                                                                                                               |                          |
| Neshannock Creek .....                                                                   | Approximately 425 feet downstream of the intersection of Plantation Drive and Cypress Lane.  | +1093                                                                                                                               | Township of Findley.     |
|                                                                                          | Approximately 0.3 mile upstream of the intersection of Schaffer Road and Grove City Road.    | +1095                                                                                                                               |                          |

| Flooding source(s)   | Location of referenced elevation                                                          | * Elevation in feet (NGVD)<br>+ Elevation in feet (NAVD)<br># Depth in feet above ground<br>^ Elevation in meters (MSL)<br>Modified | Communities affected                              |
|----------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Otter Creek .....    | Approximately 0.28 mile upstream of the confluence with Munnell Run.                      | +1099                                                                                                                               | Township of Findley.                              |
|                      | Approximately 0.3 mile upstream of the confluence with Munnell Run.                       | +1099                                                                                                                               |                                                   |
| Sawmill Run .....    | Approximately 0.35 mile upstream of the confluence with Sawmill Run Tributary 1.          | +1164                                                                                                                               | Township of Sandy Lake.                           |
|                      | Approximately 0.46 mile upstream of the confluence with Sawmill Run Tributary 1.          | +1165                                                                                                                               |                                                   |
| Sawmill Run .....    | Approximately 0.23 mile downstream of Franklin Street (just below Maple Street).          | +1167                                                                                                                               | Borough of Stoneboro.                             |
| Shenango River ..... | Approximately 305 feet upstream of Franklin Street .....                                  | +1167                                                                                                                               |                                                   |
|                      | Approximately 690 feet upstream of the confluence with Big Run No. 1.                     | +930                                                                                                                                | Borough of Greenville,<br>Township of West Salem. |
|                      | Approximately 295 feet upstream of the intersection of Clinton Street and Canal Street.   | +943                                                                                                                                |                                                   |
| Shenango River ..... | Approximately 275 feet upstream of the confluence with Shenango River Tributary 3.        | +835                                                                                                                                | City of Hermitage.                                |
|                      | Approximately 490 feet downstream of the confluence with Little Yankee Run.               | +845                                                                                                                                |                                                   |
|                      | Just downstream of Clark Street .....                                                     | +856                                                                                                                                |                                                   |
|                      | Approximately 820 feet upstream of the confluence with Big Run No. 2.                     | +859                                                                                                                                |                                                   |
| Shenango River ..... | Approximately 2,400 feet upstream of I-80 .....                                           | +833                                                                                                                                | Township of Shenango.                             |
|                      | Approximately 1.1 miles upstream of I-80 .....                                            | +833                                                                                                                                |                                                   |
| Shenango River ..... | Approximately 645 feet downstream of Sieg Hill Road .....                                 | +833                                                                                                                                | Borough of Wheatland.                             |
|                      | Approximately 1,000 feet upstream of Sieg Hill Road .....                                 | +834                                                                                                                                |                                                   |
| Shenango River ..... | Approximately 0.34 mile upstream of the confluence with the Little Shenango River.        | +949                                                                                                                                | Township of West Salem.                           |
|                      | Approximately 200 feet downstream of Porter Road .....                                    | +951                                                                                                                                |                                                   |
| Wolf Creek .....     | Approximately 0.21 mile upstream of the confluence with Barmore Run.                      | +1220                                                                                                                               | Township of Pine.                                 |
|                      | Approximately 0.34 mile downstream of the intersection of Craig Street and Garden Avenue. | +1226                                                                                                                               |                                                   |
|                      | Approximately 0.2 mile downstream of the intersection of Craig Street and Garden Avenue.  | +1226                                                                                                                               |                                                   |
|                      | Approximately 0.38 mile downstream of State Route 58 (Main Street).                       | +1226                                                                                                                               |                                                   |
|                      | Approximately 0.22 mile downstream of the confluence with Black Run.                      | +1245                                                                                                                               |                                                   |
|                      | Approximately 0.21 mile downstream of the confluence with Black Run.                      | +1245                                                                                                                               |                                                   |

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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

#### ADDRESSES

##### **Borough of Greenville**

Maps are available for inspection at the Borough Building, 125 Main Street, Greenville, PA 16125.

##### **Borough of Stoneboro**

Maps are available for inspection at the Borough Building, 59 Lake Street, Stoneboro, PA 16153.

##### **Borough of Wheatland**

Maps are available for inspection at the Borough Building, 71 Broadway Avenue, Wheatland, PA 16161.

##### **City of Hermitage**

Maps are available for inspection at City Hall, 800 North Hermitage Road, Hermitage, PA 16148.

##### **City of Sharon**

Maps are available for inspection at the Municipal Building, 155 West Connelly Boulevard, Sharon, PA 16146.

##### **Township of Findley**

Maps are available for inspection at the Findley Township Building, 369 McClelland Road, Mercer, PA 16137.

##### **Township of Pine**

Maps are available for inspection at the Pine Township Building, 545 Barkeyville Road, Grove City, PA 16127.

##### **Township of Sandy Lake**

Maps are available for inspection at the Township Building, 3086 Sandy Lake-Grove City Road, Sandy Lake, PA 16145.

##### **Township of Shenango**

Maps are available for inspection at the Shenango Township Building, 3439 Hubbard-West Middlesex Road, West Middlesex, PA 16159.

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

**Township of Sugar Grove**

Maps are available for inspection at the Sugar Grove Township Building, 359 Groover Road, Greenville, PA 16125.

**Township of West Salem**

Maps are available for inspection at the West Salem Township Building, 610 Vernan Road, Greenville, PA 16125.

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Dated: January 31, 2014.

**Roy E. Wright,**

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

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**DEPARTMENT OF THE TREASURY****48 CFR Parts 1022 and 1052****RIN 1505-AC40**

**Department of the Treasury  
Acquisition Regulations; Contract  
Clause on Minority and Women  
Inclusion in Contractor Workforce**

**AGENCY:** Departmental Offices, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Treasury (the Department) is amending the Department of the Treasury Acquisition Regulation (DTAR) to include a contract clause on minority and women inclusion, as required by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the Dodd-Frank Act).

**DATES:** *Effective Date:* April 21, 2014.

**FOR FURTHER INFORMATION CONTACT:** Lorraine Cole, Director, Office of Minority and Women Inclusion, 202-927-8181 (this is not a toll-free number) or [lorraine.cole@treasury.gov](mailto:lorraine.cole@treasury.gov).

**SUPPLEMENTARY INFORMATION:****I. Background and Proposed Rule**

Section 342 of the Dodd-Frank Act, 12 U.S.C. 5452, established an Office of Minority and Women Inclusion (OMWI) within certain agencies, including the Departmental Offices of the Department of the Treasury. Section 342(c)(2) provides that covered agencies shall require contractors to provide a written statement that the "contractor shall ensure, to the maximum extent possible,

the fair inclusion of women and minorities in the workforce of the contractor, and as applicable, subcontractors." This rule will implement the statement required by the Dodd-Frank Act through a contract clause.

The contract clause, which is similar to those adopted by other OMWI agencies, requires that a contractor make good faith efforts to include minorities and women in its workforce. This standard is derived from section 342(c)(3) of the Dodd-Frank Act, which provides for remedies, including termination, against a contractor that fails to make good faith efforts to include minorities and women in its workforce. Treasury interprets "good faith efforts" to mean efforts consistent with the Equal Protection Clause of the Constitution, Title VII of the Civil Rights Act of 1964, and Executive Order 11246, as amended, such as the identification and elimination of employment barriers, the widespread publication of employment opportunities, and other forms of outreach to minorities and women.

Section 342 applies to "all contracts . . . for services of any kind," but the section does not define the term "contract." Treasury applies the clause to all service contracts above the simplified acquisition threshold. Further, as noted above, section 342 applies to Treasury Departmental Offices (DO). DO does not currently include an office responsible for operational procurement; acquisitions in support of DO are performed primarily by the Internal Revenue Service Office of Treasury Procurement Services. The clause will be included in all service contracts in support of requirements originating from DO, regardless of the Treasury component performing the acquisition.

**II. This Final Rule**

In its August 21, 2012, proposed rule, the Department solicited public comments on all aspects of the proposal. This comment period closed on October

22, 2012, and eight comment letters were received. Comments were received from interest groups, private citizens, and law students. This section sets out significant comments raised by the commenters and the Department's response to these comments. As set forth below, the Department has considered the comments and is adopting the proposed rule with two minor changes in response to comments received, which are noted below.

*Public Comments and Department Responses*

One commenter suggested that the clause should apply only to subcontracts subject to reporting under FAR clause 52.204-10. The Department declines to adopt this suggestion. It is, however, the Department's intent that the clause should be required only in subcontracts that are awarded to support a covered contract. To clarify this point, Treasury has modified the language of the clause to require flow-down only to "subcontracts awarded under" the contract.

One commenter suggested inserting the language "including Title VII of the 1964 Civil Rights Act" after "To implement this commitment, the Contractor shall ensure, to the maximum extent possible consistent with applicable law, the fair inclusion of minorities and women in its workforce." The commenter contends that, without the insertion, there is a danger of discrimination against men and non-minorities.

The Department does not believe that a specific reference to Title VII is necessary. The Department believes that its contractors are aware of their obligations under that statute. Further, our contracts contain a separate clause, FAR 52.222-26, Equal Opportunity, that expressly prohibits discrimination.

Several commenters suggested that the Department require specified documentation to demonstrate a "good faith effort." These suggestions are not adopted. The clause provides Treasury with the authority to obtain