

| 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 |
|----------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------|----------------------------|--------------------------------------------------------------|
| Washington County, Unincorporated Areas.<br><b>Region VIII</b> | 310483        | September 4, 1975, Emerg; February 4, 1981, Reg; January 6, 2012, Susp.           | .....do .....              | Do.                                                          |
| Colorado:                                                      |               |                                                                                   |                            |                                                              |
| Canon City, City of, Fremont County ....                       | 080068        | May 28, 1974, Emerg; November 3, 1982, Reg; January 6, 2012, Susp.                | .....do .....              | Do.                                                          |
| Coal Creek, Town of, Fremont County                            | 080210        | N/A, Emerg; February 4, 2011, Reg; January 6, 2012, Susp.                         | .....do .....              | Do.                                                          |
| Florence, City of, Fremont County .....                        | 080070        | June 25, 1975, Emerg; December 4, 1984, Reg; January 6, 2012, Susp.               | .....do .....              | Do.                                                          |
| Fremont County, Unincorporated Areas                           | 080067        | June 25, 1975, Emerg; September 29, 1989, Reg; January 6, 2012, Susp.             | .....do .....              | Do.                                                          |
| Montrose, City of, Montrose County ....                        | 080125        | January 31, 1975, Emerg; March 1, 1984, Reg; January 6, 2012, Susp.               | .....do .....              | Do.                                                          |
| Montrose County, Unincorporated Areas.                         | 080124        | May 23, 1975, Emerg; February 15, 1984, Reg; January 6, 2012, Susp.               | .....do .....              | Do.                                                          |
| Naturita, Town of, Montrose County ....                        | 080126        | June 18, 1975, Emerg; January 6, 1982, Reg; January 6, 2012, Susp.                | .....do .....              | Do.                                                          |
| Olathe, Town of, Montrose County .....                         | 080128        | June 5, 1975, Emerg; September 16, 1982, Reg; January 6, 2012, Susp.              | .....do .....              | Do.                                                          |
| Rockvale, Town of, Fremont County ....                         | 080221        | September 21, 1979, Emerg; October 15, 1985, Reg; January 6, 2012, Susp.          | .....do .....              | Do.                                                          |
| Montana:                                                       |               |                                                                                   |                            |                                                              |
| Butte-Silver Bow County, All Jurisdictions.                    | 300077        | September 17, 1974, Emerg; September 28, 1979, Reg; January 6, 2012, Susp.        | .....do .....              | Do.                                                          |
| South Dakota:                                                  |               |                                                                                   |                            |                                                              |
| Belle Fourche, City of, Butte County ....                      | 460012        | May 3, 1973, Emerg; June 1, 1977, Reg; January 6, 2012, Susp.                     | .....do .....              | Do.                                                          |
| Butte County, Unincorporated Areas ....                        | 460236        | November 24, 1998, Emerg; N/A, Reg; January 6, 2012, Susp.                        | .....do .....              | Do.                                                          |
| Custer, City of, Custer County .....                           | 460019        | April 11, 1973, Emerg; January 2, 1981, Reg; January 6, 2012, Susp.               | .....do .....              | Do.                                                          |
| Custer County, Unincorporated Areas ..                         | 460018        | October 28, 1977, Emerg; September 29, 1986, Reg; January 6, 2012, Susp.          | .....do .....              | Do.                                                          |
| Hermosa, Town of, Custer County .....                          | 460230        | July 24, 2003, Emerg; August 1, 2006, Reg; January 6, 2012, Susp.                 | .....do .....              | Do.                                                          |
| Woonsocket, City of, Sanborn County ..                         | 460075        | May 28, 1975, Emerg; November 15, 1985, Reg; January 6, 2012, Susp.               | .....do .....              | Do.                                                          |

\*do- = Ditto.

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

Dated: December 9, 2011.

**David L. Miller,**

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

[FR Doc. 2012–900 Filed 1–18–12; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 212 and 252

**RIN 0750–AH27**

#### Defense Federal Acquisition Regulation Supplement; Pilot Program for Acquisition of Military-Purpose Nondevelopmental Items (DFARS Case 2011–D034)

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

**ACTION:** Final rule.

**SUMMARY:** DoD is adopting as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement establishing a pilot program to assess the feasibility and advisability of

acquiring military-purpose nondevelopmental items in accordance with streamlined procedures.

**DATES:** *Effective date:* January 19, 2012.

**FOR FURTHER INFORMATION CONTACT:** Manuel Quinones, telephone (703) 602–8383.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

To implement section 866 of the National Defense Authorization Act for Fiscal Year 2011, DoD published an interim rule in the **Federal Register** at 76 FR 38048 on June 29, 2011, establishing a pilot program to assess the feasibility and advisability of acquiring military-purpose nondevelopmental items in accordance with streamlined procedures. The authority for this pilot program expires on January 6, 2016. Under this pilot program, DoD may enter into contracts

with nontraditional defense contractors for the purpose of—

- Enabling DoD to acquire items that otherwise might not have been available to DoD;
- Assisting DoD in the rapid acquisition and fielding of capabilities needed to meet urgent operational needs; and
- Protecting the interests of the United States in paying fair and reasonable prices for the item or items acquired.

This pilot program is designed to test whether the streamlined procedures, similar to those available for commercial items, can serve as an effective incentive for nontraditional defense contractors to (1) channel investment and innovation into areas that are useful to DoD and (2) provide items developed exclusively at private expense to meet validated military requirements.

## II. Discussion and Analysis of the Public Comments

DoD reviewed the public comments received from three respondents in the development of the final rule. Two of the three respondents are supportive of both the congressional intent and the interim rule. The respondents submitted comments covering the following three categories: (A) Definition of nontraditional defense contractor; (B) definition of military-purpose nondevelopmental item; and (C) flow down of provision to subcontractors. A discussion of the comments and responses are provided as follows.

### A. Definition of Nontraditional Defense Contractor

Two of the three respondents recommended revisions to the definition of nontraditional defense contractor.

*Comment:* One respondent suggested expanding the definition of a nontraditional defense contractor to mean an entity to include a business unit, segment or wholly-owned subsidiary of an entity. The respondent asserted that such clarifying language would permit a commercial company that occasionally accepts a contract with certified cost or pricing data requirements to participate in the pilot program without being burdened by what are recognized to be onerous contractual requirements.

*Response:* With regard to expanding the meaning of an entity to include “a business unit, segment or wholly-owned subsidiary of an entity,” the entity referred to in the interim rule is, in essence, the legal entity that signs the contract with the Government. This entity must meet all of the statutory

requirements included in the definition for a nontraditional defense contractor contained in the contract clause, and changing the definition as requested would not be consistent with that definition. Therefore, no changes have been made to the final rule as a result of the comment.

*Comment:* Another respondent stated that the definitions are not clear as to whether Congress intended to allow subcontractors of prime contractors to be considered nontraditional defense contractors for purposes of the rule. The respondent asked, in situations where the prime contractor does not meet the definition of a nontraditional defense contractor, whether each of the subcontractors to the prime contractor will fail to meet the definition as well due to the definition of nontraditional defense contractor applying to contracts or subcontracts.

*Response:* The statutory definition of a nontraditional defense contractor (10 U.S.C. 2302) outlines the criteria that must be met by a prospective contractor to be eligible for the pilot program, which only covers award to prime contractors. One criterion states the entity may not be currently performing or has not performed “any contract or subcontracts” for DoD that is subject to full coverage under cost accounting standards. Entities that have performed as subcontractors to traditional defense contractors are not necessarily excluded from participating as a prime contractor under this pilot so long as the subcontract requirements did not entail the disqualifying criteria (i.e., full CAS coverage and certified cost and pricing data) and the entity otherwise meets the criteria. No changes have been made to the final rule as a result of this comment.

### B. Definition of Military-Purpose Nondevelopmental Item

*Comment:* A respondent recommended amending the definition of the term “military-purpose nondevelopmental item” by revising the definitional criteria for determining whether an item meets the definition, including the extent to which independent research and development (IR&D) costs, and bid and proposal (B&P) costs, are considered in such a determination. The respondent cited section 824(b)(2) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011, Pub. L. 111–383, as the basis for the recommended change.

*Response:* The interim rule uses the statutory definition of the term “military purpose nondevelopmental item” required by section 866 of the NDAA for FY 2011 and used only for purposes of

this pilot program. The substantive revisions to the definition as proposed by the respondent would result in the Defense Federal Acquisition Regulation Supplement (DFARS) definition being noncompliant with the statutory definition and the criteria for applying the specialized procedures authorized for this pilot program. It is also important to note that the requirements for treatment of IR&D and B&P costs that are established by section 824 of the NDAA for FY2011 are being addressed through DFARS Case 2011–D022. No changes have been made to the final rule as a result of this comment.

### C. Flow Down of Provision to Subcontractors

*Comment:* A respondent stated that the interim rule (published as DFARS subpart 212.71) fails to clearly address the common situation in which a nontraditional defense contractor may simultaneously be a subcontractor or supplier to a traditional defense contractor. The respondent recommended the new DFARS rule make clear that it may and should flow down through any prime contract, to the suppliers/subcontractors.

*Response:* Unlike certain clauses, provisions are not flowed down to subcontractors. Solicitation provisions are to be completed and submitted by the prospective prime contractor with its offer. Furthermore, it is irrelevant to the program if a nontraditional defense contractor is simultaneously a subcontractor or supplier to a traditional defense contractor. As previously stated, section 866 only covers award to a prime contractor. No changes have been made to the final rule as a result of this comment.

## III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

#### IV. Regulatory Flexibility Act

A final regulatory flexibility analysis has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 604, and is summarized as follows:

This rule implements a statutory requirement under section 866 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011. Section 866 authorized the Secretary of Defense to establish a pilot program to assess the feasibility and advisability of acquiring military-purpose nondevelopmental items.

The objective of this new DoD program is to permit DoD to enter into contracts with nontraditional defense contractors for the purpose of (1) Enabling DoD to acquire items that otherwise might not have been available to DoD; (2) assisting DoD in the rapid acquisition and fielding of capabilities needed to meet urgent operational needs; and (3) protecting the interests of the United States in paying fair and reasonable prices for the item or items acquired.

No public comments were received in response to the initial regulatory flexibility analysis. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments in response to this rule.

DoD is unable to estimate at this time the number of small entities impacted by the rule, since this is a new pilot program and its purpose is to identify and attract nontraditional defense contractors as defined within the rule and section 866 of the National Defense Authorization Act for Fiscal Year 2011.

There are no reporting, recordkeeping, or other compliance requirements to small entities associated with this rule. Additionally, there were no significant alternatives considered that met the stated objectives of the applicable statute.

#### V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

#### List of Subjects in 48 CFR Parts 212 and 252

Government procurement.

#### Mary Overstreet,

Editor, Defense Acquisition Regulations System.

#### Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR parts 212 and 252,

which was published at 76 FR 38048 on June 29, 2011, is adopted as a final rule without change.

[FR Doc. 2012-970 Filed 1-18-12; 8:45 am]

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 100804324-1265-02]

RIN 0648-XA927

#### Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting and Non-Whiting Allocations; Pacific Whiting Seasons

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Reapportionment of non-whiting catch allocations from mothership sector to catcher/processor sector; request for comments.

**SUMMARY:** This notification announces the reapportionment of 4.3 metric tons (mt) of Darkblotched rockfish, 6.5 mt of Pacific Ocean Perch, 3.3 mt of Canary rockfish, and 48.3 mt of Widow rockfish from the mothership sector to the catcher/processor sector.

**DATES:** The reapportionment of non-whiting is effective from 1600 local time, December 14, 2011, until December 31, 2011, unless modified, superseded or rescinded. Comments will be accepted through February 3, 2012.

**ADDRESSES:** You may submit comments, identified by NOAA-NMFS-2010-0194 by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal, at <http://www.regulations.gov>. To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter (NOAA-NMFS-2010-0194) in the keyword search. Locate the document you wish to comment on from the resulting list and click on the "Submit a Comment" icon on the right of that line.

- *Fax:* (206) 526-6736, Attn: Kevin C. Duffy.

- *Email comments directly to NMFS, Northwest Region at:* [Whitingreapportionment@noaa.gov](mailto:Whitingreapportionment@noaa.gov).

- *Mail:* William W. Stelle, Jr., Regional Administrator, Northwest

Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070, Attn: Kevin C. Duffy.

*Instructions:* All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (if submitting comments via the Federal Rulemaking portal, enter "N/A" in the relevant required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

#### FOR FURTHER INFORMATION CONTACT:

Kevin C. Duffy (Northwest Region, NMFS), phone: (206) 526-4743, fax: (206) 526-6736 and email: [kevin.duffy@noaa.gov](mailto:kevin.duffy@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Electronic Access

This notice is accessible via the Internet at the Office of the Federal Register's Web site at <http://www.gpo.gov/fdsys/search/home.action>. Background information and documents are available at the Pacific Fishery Management Council's Web site at <http://www.pcouncil.org/>.

#### Background

This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California.

Regulations at 50 CFR 660.150(c)(4)(ii) provide for the Regional Administrator to make available for harvest to the catcher/processor sector of the Pacific whiting fishery, the mothership sector's nonwhiting catch allocation remaining when the Pacific whiting allocation is reached or when participants in the mothership sector do not intend to harvest the remaining allocation. Consistent with these provisions, the Whiting Mothership Cooperative Manager notified NMFS in writing on December 13, 2011 that the Whiting Mothership Cooperative had concluded their harvest of mothership sector whiting for 2011.

The best available information on December 14, 2011 indicated that approximately 4.3 metric tons mt of