

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: April 7, 2004.

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-D-7590]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the 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 comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed 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: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: 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 base flood 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 are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director of the

Emergency Preparedness and Response Directorate certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification. This proposed 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 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

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:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
KENTUCKY				
Boyd County				
Ohio River	Approximately 0.8 mile upstream of the downstream county boundary.	*547	*546	City of Ashland, City of Catlettsburg, Body County (Unincorporated Areas)
	At upstream county boundary	*550	*549	
Keys Creek	From the confluence with Ohio River	*550	*549	City of Ashland, Boyd County (Unincorporated Areas)
	Just upstream of Catlett Creek Road	*550	*549	

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	

City of Ashland

Maps available for inspection at the Ashland Department of Planning and Community Development, 1700 Greenup Avenue, Room 208, Ashland, Kentucky.

Send comments to The Honorable Stephen E. Gilmore, Mayor of the City of Ashland, P.O. Box 1839, Ashland, Kentucky 41105-1839.

City of Catlettsburg

Maps available for inspection at the Catlettsburg City Hall, 216 26th Street, Catlettsburg, Kentucky.

Send comments to The Honorable Roger M. Hensley, Mayor of the City of Catlettsburg, P.O. Box 533, Catlettsburg, Kentucky 41129.

Boyd County (Unincorporated Areas)

Maps available for inspection at the Boyd County Courthouse, 2800 Louisa Street, Catlettsburg, Kentucky.

Send comments to The Honorable Bill F. Scott, Boyd County Judge Executive, Boyd County Courthouse, P.O. Box 423, Catlettsburg, Kentucky 41129.

**KENTUCKY
Bracken County**

Ohio River	At the downstream County boundary	None	*506	City of Augusta, Bracken County (Unincorporated Areas)
	Approximately 125 feet upstream of the upstream County boundary.	None	*512	
Bracken Creek	At the confluence with the Ohio River	None	*510	Bracken County (Unincorporated Areas)
	Approximately 1,100 feet upstream of State Route 8.	None	*510	

City of Augusta

Maps available for inspection at the Augusta City Office, 219 Main Street, Augusta, Kentucky.

Send comments to The Honorable John Laycock, Mayor of the City of Augusta, P.O. Box 85, Augusta, Kentucky 41002.

Bracken County (Unincorporated Areas)

Maps available for inspection at the Bracken County Courthouse, 116 West Miami, Brooksville, Kentucky.

Send comments to The Honorable Leslie Newman, Bracken County Judge Executive, P.O. Box 264, Brooksville, Kentucky 41004.

**KENTUCKY
Campbell County**

Ohio River	Approximately 4.1 miles upstream of Louisville and Nashville Railroad Bridge.	None	*501	Cities of California, Fort Thomas, Melbourne, Mentor and Silver Grove, and Campbell County (Unincorporated Areas)
Mook Road Tributary	At upstream County boundary	*507	*506	City of Southgate
	Approximately 100 feet upstream of Bentwood Hills Drive.	None	*502	
Four Mile Creek	Approximately 2,050 feet upstream of Bentwood Hills Drive.	None	*521	City of Melbourne
	Approximately 900 feet upstream of the confluence of Owl Creek.	*502	*503	
Woodlawn Creek	Approximately 0.6 mile upstream of the confluence of Owl Creek.	*502	*503	City of Woodlawn
	Approximately 325 feet downstream of the confluence of Woodlawn Creek Tributary 2.	None	*517	
Woodlawn Creek Tributary 2.	Approximately 450 feet upstream of Wilson Road.	None	*518	City of Woodlawn
	Approximately 225 feet upstream of the confluence with Woodlawn Creek.	None	*517	
	Approximately 340 feet downstream of Grand Avenue.	None	*517	

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	

City of California

Maps available for inspection at the California City Clerk's Office, 45 Madison Street, California, Kentucky.

Send comments to The Honorable Frank Smith, Mayor of the City of California, P.O. Box 25, California, Kentucky 41007.

Campbell County (Unincorporated Areas)

Maps available for inspection at the Campbell County Fiscal Court, Planning and Zoning Department, 24 West Fourth Street, Newport, Kentucky.

Send comments to The Honorable Steve Pendry, Campbell County Judge/Executive, 24 West Fourth Street, Newport, Kentucky 41071.

City of Fort Thomas

Maps available for inspection at the Fort Thomas City Office, 130 North Fort Thomas Avenue, Fort Thomas, Kentucky.

Send comments to The Honorable Mary Brown, Mayor of the City of Fort Thomas, 130 North Fort Thomas Avenue, Fort Thomas, Kentucky 41075.

City of Melbourne

Maps available for inspection at the Melbourne City Hall, 502 Garfield Avenue, Melbourne, Kentucky.

Send comments to The Honorable Helen Lutz, Mayor of the City of Melbourne, P.O. Box 63, Melbourne, Kentucky 41059.

City of Mentor

Maps available for inspection at the Campbell County Fiscal Court, Planning and Zoning Department, 24 West Fourth Street, Newport, Kentucky.

Send comments to The Honorable Dave Gearding, Mayor of the City of Mentor, Box 4870, California, Kentucky 41007.

City of Silver Grove

Maps available for inspection at the Silver Grove City Hall, 308 Oak Street, Silver Grove, Kentucky.

Send comments to The Honorable Carl J. Schwarber, Mayor of the City of Silver Grove, P.O. Box 417, Silver Grove, Kentucky 41085.

City of Southgate

Maps available for inspection at the Southgate City Hall, 122 Electric Avenue, Southgate, Kentucky.

Send comments to The Honorable Charles Melville, Mayor of the City of Southgate, 122 Electric Avenue, Southgate, Kentucky 41071.

City of Woodlawn

Maps available for inspection at the Campbell County Fiscal Court, Planning and Zoning Department, 24 West Fourth Street, Newport, Kentucky.

Send comments to The Honorable Ron Barth, Mayor of the City of Woodlawn, 1110 Waterworks Avenue, Woodlawn, Kentucky 41071.

**KENTUCKY
Greenup County**

Ohio River	Approximately 1.2 miles upstream of downstream County boundary.	*535	*536	Cities of Greenup, Russell, Worthington, Wurtland, and Greenup County (Unincorporated Areas)
Lower White Oak Creek.	At upstream County boundary	*547	*546	Greenup County (Unincorporated Areas)
	At the confluence with Tygarts Creek	*536	*537	
White Oak Creek	Approximately 1,660 feet upstream of State Highway 1134.	*536	*537	Cities of Bellefonte and Russell
	Approximately 325 feet downstream of U.S. Highway 23.	*547	*546	
	Approximately 330 feet downstream of State Route 693.	*547	*546	
Tygarts Creek	Entire length within community	*536	*537	Greenup County (Unincorporated Areas)

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	

City of Bellefonte

Maps available for inspection at the Bellefonte City Hall, 705 Bellefonte Princess Road, Ashland, Kentucky.

Send comments to The Honorable Tom Bradley, Mayor of the City of Bellefonte, 705 Bellefonte Princess Road, Ashland, Kentucky 41101-2183.

Greenup County (Unincorporated Areas)

Maps available for inspection at the Greenup County Courthouse, Room 102, Greenup, Kentucky.

Send comments to The Honorable Bobby W. Carpenter, Greenup County Judge Executive, Greenup County Courthouse, Room 102 Box 2, Greenup, Kentucky 41144.

City of Greenup

Maps available for inspection at the Greenup City Hall, 1005 Walnut Street, Greenup, Kentucky.

Send comments to The Honorable Charles Veach, Mayor of the City of Greenup, 1005 Walnut Street, Greenup, Kentucky 41144.

City of Russell

Maps available for inspection at the Russell City Hall, 410 Ferry Street, Russell, Kentucky.

Send comments to The Honorable Donald G. Fraley, Mayor of the City of Russell, P.O. Box 394, Russell, Kentucky 41169.

City of Worthington

Maps available for inspection at the Worthington City Hall, 512 Ferry Street, Worthington, Kentucky.

Send comments to The Honorable Jerry Epling, Mayor of the City of Worthington, P.O. Box 366, Worthington, Kentucky 41183.

City of Wurtland

Maps available for inspection at the Wurtland City Hall, 500 Wurtland Avenue, Wurtland, Kentucky.

Send comments to The Honorable Donna K. Hayes, Mayor of the City of Wurtland, 500 Wurtland Avenue, Wurtland, Kentucky 41144.

KENTUCKY
Lewis County

Ohio River	Approximately 0.5 mile upstream of the County boundary.	*518	*519	Town of Concord, City of Vanceburg, Lewis County (Unincorporated Areas)
	Approximately 4.7 miles downstream of the County boundary.	*533	*534	
Kinniconick Creek	Approximately .07 mile downstream of McDowell Creek Road.	None	*533	Lewis County (Unincorporated Areas)
	Approximately 8 miles upstream of State Route 59.	None	*678	

Town of Concord

Maps available for inspection at the Concord Town Hall, Route 2, Vanceburg, Kentucky.

Send comments to The Honorable Lovell Polley, Mayor of the Town of Concord, Route 2, Box 510, Vanceburg, Kentucky 41179.

Lewis County (Unincorporated Areas)

Maps available for inspection at the Lewis County Courthouse, 514 Second Street, Vanceburg, Kentucky.

Send comments to The Honorable Steve Applegate, Lewis County Judge Executive, Lewis County Courthouse, 514 Second Street, Room 201, Vanceburg, Kentucky 41179.

City of Vanceburg

Maps available for inspection at the Vanceburg City Hall, 615 2nd Street, Vanceburg, Kentucky.

Send comments to The Honorable William T. Cooper, Mayor of the City of Vanceburg, 615 2nd Street, Vanceburg, Kentucky 41179.

KENTUCKY
Magoffin County

Licking River	Approximately 0.5 mile downstream of State Route 30.	*849	*848	City of Salyersville, Magoffin County (Unincorporated Areas)
	Approximately 0.2 mile downstream of Combs Mountain Parkway.	*861	*860	
Burning Fork	At the confluence with Licking River	*857	*853	City of Salyersville, Magoffin County (Unincorporated Areas)
	Approximately 0.1 mile upstream of Lick Branch Road.	*864	*863	
State Road Fork	At the confluence with Licking River	*856	*853	City of Salyersville, Magoffin County (Unincorporated Areas)
	Approximately 1.7 miles upstream of State Route 2020.	*885	*886	
Route 7 Cut-Thru	At the confluence with Licking River	*852	*850	City of Salyersville, Magoffin County (Unincorporated Areas)
	At the divergence from Licking River	*858	*857	
Route 30 Cut-Thru	At the upstream side of State Route 30	None	*848	Magoffin County (Unincorporated Areas)
	At the divergence from Licking River	*851	*849	
Mash Fork	Approximately 0.36 mile upstream of the confluence with State Road Fork.	*861	*860	Magoffin County (Unincorporated Areas)

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
	Approximately 0.56 mile upstream of the confluence with State Road Fork.	*865	*864	

Magoffin County (Unincorporated Areas)

Maps available for inspection at Magoffin County Courthouse, Judge's Office, 457 Parkway Drive, Salyersville, Kentucky.

Send comments to The Honorable Bill W. May, Magoffin County Judge Executive, Magoffin County Courthouse, P.O. Box 430, Salyersville, Kentucky 41465.

City of Salyersville

Maps available for inspection at the Salyersville City Hall, 315 East Maple Street, Salyersville, Kentucky.

Send comments to The Honorable Stanley Howard, Mayor of the City of Salyersville, P.O. Box 640, Salyersville, Kentucky 41465.

**KENTUCKY
Mason County**

Ohio River	Approximately 0.28 mile downstream of the downstream county boundary.	None	*512	City of Dover, City of Maysville, Mason County (Unincorporated Areas)
	Approximately 0.04 mile upstream of the upstream county boundary.	None	*518	

City of Dover

Maps available for inspection at the Dover City Hall, 2060 Lucretia Street, Dover, Kentucky.

Send comments to The Honorable Eddie Sidell, Mayor of the City of Dover, P.O. Box 149, Dover, Kentucky 41034.

Mason County (Unincorporated Areas)

Maps available for inspection at the Mason County Judge/Executive's Office, 219 Court Street, Maysville, Kentucky.

Send comments to The Honorable James L. Gallenstein, Mason County Judge Executive, 221 Stanley Reed Court Street, Maysville, Kentucky 41056.

City of Maysville

Maps available for inspection at the Maysville City Hall, 216 Bridge Street, Maysville, Kentucky.

Send comments to The Honorable David Cartmell, Mayor of the City of Maysville, 216 Bridge Street, Maysville, Kentucky 41056.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: April 19, 2004.

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

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DEPARTMENT OF DEFENSE

48 CFR Parts 217 and 219

[DFARS Case 2003-D092]

Defense Federal Acquisition Regulation Supplement; Small Disadvantaged Businesses and Leader Company Contracting

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to revise text pertaining to DoD review of small business subcontracting plans, and to remove text pertaining to leader company contracting. This proposed

rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before June 22, 2004, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments via the Internet at <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. As an alternative, respondents may e-mail comments to: dfars@osd.mil. Please cite DFARS Case 2003-D092 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Karen Fischetti, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062; facsimile (703) 602-0350. Please cite DFARS Case 2003-D092.

At the end of the comment period, interested parties may view public comments on the Internet at <http://emissary.acq.osd.mil/dar/dfars.nsf>.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Fischetti, (703) 602-0288.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dfars/transf.htm>.

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes—

- Remove DFARS Subpart 217.4, which addresses the participation of small disadvantaged business concerns