

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA-B-7438]

Changes in Flood Elevation Determinations

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

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1-percent-annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified Base Flood Elevations for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Division Director for the Emergency Preparedness and Response Directorate reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified 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, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are 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 the other Federal, State, or regional entities.

The changes in are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This 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 for the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 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.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and County	Location and Case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:					
Gila	City of Globe, (03-09-0187P).	June 18, 2003, June 25, 2003, <i>Arizona Silver Belt</i> .	The Honorable Stanley Gibson, Mayor, City of Globe, 150 North Pine Street, Globe, Arizona 85501.	Sept. 24, 2003	040029
Gila	Unincorporated Areas, (03-09-0187P).	June 18, 2003, June 25, 2003, <i>Arizona Silver Belt</i> .	The Honorable Cruz Salas, Chairman, Gila County Board of Supervisors, 1400 East Ash Street, Globe, Arizona 85501.	Sept. 24, 2003	040028
Maricopa	City of Avondale, (02-09-190P).	May 29, 2003, June 5, 2003, <i>Arizona Republic</i> .	The Honorable Ronald J. Drake, Mayor, City of Avondale, 525 North Central Avenue, Avondale, Arizona 85323.	May 22, 2003	040038

State and County	Location and Case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Maricopa	Town of Buckeye, (03-09-0245P).	June 19, 2003, June 26, 2003, <i>Buckeye Valley News</i> .	The Honorable Dusty Hull, Mayor, Town of Buckeye, 100 North Apache Road, Suite A, Buckeye, Arizona 85326.	May 20, 2003	040039
Maricopa	City of Chandler, (03-09-0353P).	May 29, 2003, June 5, 2003, <i>Arizona Business Gazette</i> .	The Honorable Boyd Dunn, Mayor, City of Chandler, 55 North Arizona Place, Suite 301, Chandler, Arizona 85225.	May 7, 2003	040040
Maricopa	City of El Mirage, (02-09-945P).	May 22, 2003, May 29, 2003, <i>Arizona Republic</i> .	The Honorable Robert Robles, Mayor, City of El Mirage, P.O. Box 26, El Mirage, Arizona 85335.	Aug. 28, 2003	040041
Maricopa	Town of Gila Bend, (02-09-858P).	July 3, 2003, July 10, 2003, <i>Arizona Business Gazette</i> .	The Honorable Chuck Turner, Mayor, Town of Gila Bend, P.O. Box A, Gila Bend, Arizona 85337.	Oct. 9, 2003	040043
Maricopa	City of Phoenix, (03-09-0290P).	June 12, 2003, June 19, 2003, <i>Arizona Business Gazette</i> .	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, Arizona 85003-1611.	May 29, 2003	040051
Maricopa	City of Surprise, (02-09-945P).	May 22, 2003, May 29, 2003, <i>Arizona Republic</i> .	The Honorable Joan H. Shafer, Mayor, City of Surprise, 12425 West Bell Road, Suite D-100, Surprise, Arizona 85374.	Aug. 28, 2003	040053
Maricopa	Unincorporated Areas, (02-09-945P).	May 22, 2003, May 29, 2003, <i>Arizona Republic</i> .	The Honorable R. Fulton Brock, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	Aug. 28, 2003	040037
Maricopa	Unincorporated Areas, (02-09-858P).	July 3, 2003, July 10, 2003, <i>Arizona Business Gazette</i> .	The Honorable Don Stapley, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	Oct. 9, 2003	040037
Maricopa	Town of Youngtown, (03-09-1014X).	May 22, 2003, May 29, 2003, <i>Arizona Republic</i> .	The Honorable Daphne Green, Mayor, Town of Youngtown, 12030 Clubhouse Square, Youngtown, Arizona 85363.	Aug. 28, 2003,	040057
Pima	City of Tucson, (02-09-873P).	July 17, 2003, July 24, 2003, <i>Daily Territorial</i> .	The Honorable Bob Walkup, Mayor, City of Tucson, City Hall, 255 West Alameda Street, Tucson, Arizona 85701.	Oct. 23, 2003	040076
Pima	Unincorporated Areas, (03-09-0541P).	June 19, 2003, June 26, 2003, <i>Arizona Daily Star</i> .	The Honorable Ray Carroll, Republican County Supervisor, Pima County District Four, 130 West Congress Street, 11th Floor, Tucson, Arizona 85701.	Sept. 25, 2003	040073
California:					
Contra Costa	City of Clayton, (03-09-0387P).	May 29, 2003, June 6, 2003, <i>Contra Costa Times</i> .	The Honorable Gregory J. Manning, Mayor, City of Clayton, City Hall, 6000 Heritage Trail, Clayton, California 94517.	May 9, 2003	060027
Los Angeles	Unincorporated Areas, (02-09-404P).	May 22, 2003, May 29, 2003, <i>Los Angeles Times</i> .	The Honorable Yvonne B. Burke, Chair, Los Angeles County Board of Supervisors, 500 West Temple Street, Los Angeles, California 90012.	April 21, 2003	065043
Placer	City of Rocklin, (02-09-810P).	May 7, 2003, May 14, 2003, <i>The Rocklin</i> .	The Honorable Kathy Lund, Mayor, City of Rocklin, 3970 Rocklin Road, Rocklin, California 95677-2720.	Aug. 13, 2003	060242
Placer	Unincorporated Areas, (02-09-810P).	May 7, 2003, May 14, 2003, <i>The Rocklin</i> .	The Honorable Rex Bloomfield, Chairman, Placer County, Board of Supervisors, 175 Fulweiler Avenue, Auburn, California 95603.	Aug. 13, 2003	060239
Sacramento	Unincorporated Areas, (03-09-0080P).	May 8, 2003, May 15, 2003, <i>Daily Recorder</i> .	The Honorable Ila Collin, Chair, Sacramento County Board of Supervisors, 700 H Street, Room 2450 Sacramento, California 95814.	Aug. 14, 2003	060262

State and County	Location and Case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
San Diego ...	City of San Diego, (03-09-0578P).	June 26, 2003, July 3, 2003, <i>San Diego Union-Tribune</i> .	The Honorable Richard M. Murphy, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, California 92101.	June 9, 2003	060295
San Diego ...	City of San Marcos (03-09-0123P).	April 24, 2003, May 1, 2003, <i>The Paper</i> .	The Honorable F. H. "Corky" Smith Mayor, City of San Marcos, One Civic Center Drive, San Marcos, California 92069-2949.	July 31, 2003	060296
Santa Cruz ..	Unincorporated Areas, (03-09-0475P).	May 8, 2003, May 15, 2003, <i>Register-Pajaronian</i> .	The Honorable Ellen Pirie Chair, Santa Cruz County Board of Supervisors, 701 Ocean Street, Room 500, Santa Cruz, California 95060.	Aug. 14, 2003	060353
Santa Cruz ..	City of Watsonville, (03-09-0475P).	May 8, 2003, May 15, 2003, <i>Register-Pajaronian</i> .	The Honorable Richard de la Paz, Jr. Mayor, City of Watsonville, Administration Building, Second Floor, 215 Union Street Watsonville, California 95076.	Aug. 14, 2003	060357
Santa Barbara.	City of Solvang, (02-09-1302P).	May 29, 2003, June 5, 2003, <i>Santa Barbara News Press</i> .	The Honorable Beverly Russ, Mayor, City of Solvang, P.O. Box 107, Solvang, California 93464-0107.	May 7, 2003,	060756
Santa Barbara.	Unincorporated Areas, (02-09-179P).	July 3, 2003, July 10, 2003, <i>Santa Barbara News Press</i> .	The Honorable Naomi Schwartz, Chair, Santa Barbara County, Board of Supervisors, 105 East Anapamu Street, Santa Barbara, California 93101.	Oct. 9, 2003	060331
Colorado:					
Adams	Unincorporated Areas, (03-08-0104P).	May 14, 2003, May 21, 2003, <i>Brighton Standard-Blade</i> .	The Honorable Elaine T. Valente, Chairman, Adams County, Board of Commissioners, 450 South Fourth Avenue Brighton, Colorado 80601.	Aug. 20, 2003	080001
Arapahoe	City of Littleton, (03-08-0030P).	May 22, 2003, May 29, 2003, <i>Littleton Independent</i> .	The Honorable Susan M. Thornton, Mayor, City of Littleton, 2255 West Berry Avenue, Littleton, Colorado 80165.	Aug. 28, 2003	080017
Broomfield ...	City and County of Broomfield, (03-08-0061P).	June 19, 2003, June 26, 2003, <i>Boulder Daily Camera</i> .	The Honorable Karen Stuart, Mayor, City and County of Broomfield, One DesCombes Drive, Broomfield, Colorado 80020.	Sept. 25, 2003	085073
Broomfield ...	City and County of Broomfield, (03-08-0270P).	July 16, 2003, July 23, 2003 <i>Broomfield Enterprise</i> .	The Honorable Karen Stuart, Mayor, City and County of Broomfield, One DesCombes Drive, Broomfield, Colorado 80020.	June 27, 2003	085073
Denver	City and County of Denver, (03-08-0210P).	May 15, 2003, May 22, 2003, <i>Denver Post</i> .	The Honorable Wellington E. Webb, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, Colorado 80202.	April 24, 2003	080046
Adams, Arapahoe, Denver.	City of Aurora, (03-08-0210P).	May 15, 2003, May 22, 2003, <i>Denver Post</i> .	The Honorable Paul E. Tauer, Mayor, City of Aurora, 15151 East Alameda Parkway, Fifth Floor, Aurora, Colorado 80012.	April 24, 2003	080002
Douglas	Town of Parker, (02-08-186P).	April 23, 2003, April 30, 2003, <i>Douglas County News-Press</i> .	The Honorable Gary Lasater, Mayor, Town of Parker, 20120 East Mainstreet, Parker, Colorado 80138-7334.	July 30, 2003	080310
Douglas	Unincorporated Areas, (02-08-186P).	April 23, 2003, April 30, 2003, <i>Douglas County News-Press</i> .	The Honorable James R. Sullivan, Chairman, Douglas County Board of Commissioners, 100 Third Street, Castle Rock, Colorado 80104.	July 30, 2003	080049
Douglas	Unincorporated Areas, (03-08-0096P).	April 23, 2003, April 30, 2003, <i>Douglas County News-Press</i> .	The Honorable James R. Sullivan, Chairman, Douglas County Board of Commissioners, 100 Third Street, Castle Rock, Colorado 80104.	July 30, 2003	080049

State and County	Location and Case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
El Paso	City of Colorado Springs, (02-08-394P).	April 24, 2003, May 1, 2003, <i>The Gazette</i> .	The Honorable Mary Lou Makepeace, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901.	July 31, 2003	080060
El Paso	City of Colorado Springs, (03-08-0223P).	June 5, 2003, June 12, 2003, <i>The Gazette</i> .	The Honorable Mary Lou Makepeace, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901.	May 13, 2003	080060
Jefferson	Unincorporated Areas, (03-08-0099P).	March 19, 2003, March 26, 2003, <i>Canyon Courier</i> .	The Honorable Richard M. Sheehan, Chairman, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, Colorado 80419.	June 25, 2003	080087
Hawaii:					
Hawaii	Hawaii County, (02-09-368P).	July 10, 2003, July 17, 2003, <i>Hawaii Tribune Herald</i> .	The Honorable Harry Kim, Mayor, County of Hawaii, 25 Aupuni Street, Hilo, Hawaii 96720.	Oct. 16, 2003	155166
Maui	Maui County, (03-09-0116P).	May 29, 2003, June 5, 2003, <i>Maui News</i> .	The Honorable Alan M. Arakawa, Mayor, Maui County, 200 South High Street, Wailuku, Hawaii 96793.	May 6, 2003	150003
Maui	Maui County, (03-09-0107P).	July 3, 2003, July 10, 2003, <i>Maui News</i> .	The Honorable Alan M. Arawaka, Mayor, Maui County, 200 South High Street, Wailuku, Hawaii 96793.	June 13, 2003	150003
Idaho:					
Bonneville	City of Ammon, (03-10-0229P).	July 3, 2003, July 10, 2003, <i>Post Register</i> .	The Honorable Bruce Ard, Mayor, City of Ammon, 2135 South Ammon Road, Ammon, Idaho 83406.	June 13, 2003	160028
Bonneville	Unincorporated Areas, (03-10-0229P).	July 3, 2003, July 10, 2003, <i>Post Register</i> .	The Honorable Lee Stake, Chairman, Bonneville County Board of Commissioners, 605 North Capitol Avenue, Idaho Falls, Idaho 83402,.	June 13, 2003	160027
Nevada:					
Independent City.	City of Carson City, (01-09-592P).	June 19, 2003, June 26, 2003, <i>Nevada Appeal</i> .	The Honorable Ray Masayko, Mayor, City of Carson City, 201 North Carson Street, Suite 2, Carson City, Nevada 89701.	May 29, 2003	320001
Clark	City of Henderson (03-09-0861X).	May 1, 2003, May 8, 2003, <i>Las Vegas Review-Journal</i> .	The Honorable James Gibson, Mayor, City of Henderson, 240 South Water Street, Henderson, Nevada 89015.	April 21, 2003	320005
Clark	Unincorporated Areas, (03-09-0861X).	May 1, 2003, May 8, 2003, <i>Las Vegas Review-Journal</i> .	The Honorable Mary J. Kincaid-Chauncey, Chair, Clark County, Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, Nevada 89155.	April 21, 2003	320003
Clark	Unincorporated Areas, (02-09-1071P).	April 24, 2003, May 1, 2003, <i>Las Vegas Review-Journal</i> .	The Honorable Mary J. Kincaid-Chauncey, Chair, Clark County, Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, Nevada 89155.	July 31, 2003	320003
Clark	Unincorporated Areas, (02-09-718P).	July 10, 2003, July 17, 2003, <i>Las Vegas Review-Journal</i> .	The Honorable Mary J. Kincaid-Chauncey, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, Nevada 89155.	June 19, 2003	320003
Texas: Dallas	City of Dallas, (00-06-248P).	January 31, 2002, February 7, 2002, <i>Dallas Morning News</i> .	The Honorable Ron Kirk, Mayor, City of Dallas, 1500 Marilla Street, Dallas, Texas 75201.	Nov. 8, 2000	480171

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

Dated: September 23, 2003.

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

[FR Doc. 03-25215 Filed 10-3-03; 8:45 am]

BILLING CODE 6718-04-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1817

RIN 2700-AC78

Interagency Acquisition Approvals

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule amends the NASA Federal Acquisition Regulation Supplement (NFS) by establishing a five-year limitation on interagency acquisitions. Individual orders or successive non-competitive orders for the same requirement with the same servicing agency that will exceed five years require approval of a deviation. This final rule also requires determinations and findings (D&Fs) for interagency acquisitions to identify the period of performance and whether the acquisition is for a non-competitive follow-on for the same requirement with the same servicing agency. These changes result from NASA's agreement with OMB on an action plan regarding the President's Management Agenda Competitive Sourcing element. These changes will establish greater consistency in the approval requirements for contracts, grants, cooperative agreements, and interagency acquisitions with anticipated periods of performance exceeding five years.

EFFECTIVE DATE: October 6, 2003.

FOR FURTHER INFORMATION CONTACT: Joseph Le Cren, NASA Headquarters, Office of Procurement, Program Operations Division (Code HS), Washington, DC 20546-0001, (202) 358-0431, e-mail: jlecren@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

OMB and NASA entered into an agreement on an action plan regarding the President's Management Agenda Competitive Sourcing element. That agreement called for NASA to put in place plans for reviews and recompetitions of contracts, interagency acquisitions, and partnerships identified in inventories submitted to OMB in September 2002. In developing NASA's

plan for reviews and recompetitions, existing guidance pertaining to interagency acquisitions was reviewed and areas requiring revision or coverage were identified.

Contracts (inclusive of options), grants, and cooperative agreements that are planned to exceed five years, generally require the prior approval of the Assistant Administrator for Procurement. However, there are no limits for interagency acquisitions. This final rule establishes a similar requirement for interagency acquisitions, as well as the information to be provided for a deviation from the rule.

The FAR specifies information that is to be included in the D&Fs for interagency acquisitions. However, there is no requirement for the period of performance to be identified. This final rule establishes such a requirement in order to restrict the use of long-term acquisitions (greater than five years) that preclude the opportunity for competition. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This final rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577, and publication for public comment is not required. However, NASA will consider comments from small entities concerning the affected NFS Part 1817 in accordance with 5 U.S.C. 610.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose any recordkeeping or information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 1817

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

■ Accordingly, 48 CFR Part 1817 is amended as follows:

■ 1. The authority citation for 48 CFR Part 1817 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1817—SPECIAL CONTRACTING METHODS

■ 2. Amend section 1817.7201 by redesignating the existing text as

paragraph (a) and adding paragraphs (b) and (c) to read as follows:

1817.7201 Policy.

* * * * *

(b) Individual orders or successive non-competitive interagency orders for the same requirement with the same servicing agency shall not exceed five years.

(c) Requests for deviation from the five year limitation in paragraph (b) of this section shall require the approval of the Center Director if the estimated value of the order is \$5 million or less, or the Assistant Administrator for Procurement (Code HS) if the estimated value of the order exceeds \$5 million. Requests for deviation shall address:

- (1) Why more than five years is required;
- (2) Why the work must be performed by the same servicing agency; and
- (3) How long beyond the current order the requirement is expected to continue.

■ 3. Amend section 1817.7202 by redesignating existing paragraphs (c) and (d) as (d) and (e) respectively, and adding a new paragraph (c) to read as follows:

1817.7202 Determinations and findings requirements.

* * * * *

(c) In addition to the requirements in FAR 17.503, the D&F must identify the period of performance and whether the acquisition is a non-competitive follow-on for the same services from the same servicing agency. (*See* 1817.7201(b).)

* * * * *

[FR Doc. 03-25290 Filed 10-3-03; 8:45 am]

BILLING CODE 7510-01-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 175, 176, 177, 178, and 179

[Docket No. RSPA-03-16099 (HM-189V)]

RIN 2137-AD85

Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The