

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Maps available for inspection at the Village Hall, 31 Mountain Avenue, Hillburn, New York.		OHIO		North side of intersection of Fairpark Avenue and Fairfax Avenue	#2
Horseheads (town), Chemung County (FEMA Docket No. 7164)		Dayton (city), Montgomery County (FEMA Docket No. 7164)		Shallow Ponding Area (Zone AH):	
<i>Beaver Brook:</i>		<i>Lilly Creek:</i>		Approximately 700 feet northwest of the intersection of Byesville Boulevard and Fairfax Avenue	*766
At confluence with Newtown Creek	*877	Approximately 0.15 mile upstream of confluence with Mad River	*761	Approximately 500 feet north of intersection of Glendean Avenue and Springfield Avenue	*766
Approximately 1,035 feet upstream of East Mills Street	*885	Approximately 0.60 mile upstream of Byesville Boulevard	*781		
<i>North Branch Newtown Creek:</i>		Shallow Ponding Area (Zone AH):		Maps available for inspection at the City Hall, 1791 Harshman Road, Riverside, Ohio.	
At confluence with Newtown Creek	*929	Just Southeast of Springfield Pike; approximately 900 feet northeast of unnamed road	*767		
Approximately 325 feet upstream of confluence with Newtown Creek	*932	Approximately 200 feet northwest of Springfield Pike	*766	PENNSYLVANIA	
Maps available for inspection at the Horseheads Town Hall, 150 Wygant Road, Horseheads, New York.		Maps available for inspection at the Dayton City Hall, 101 West Third Street, Dayton, Ohio.		Shirley (Township), Huntingdon County (FEMA Docket No. 7164)	
				<i>Aughwick Creek:</i>	
Horseheads (village), Chemung County (FEMA Docket No. 7164)		Montgomery County (unincorporated areas) (FEMA Docket No. 7168)		Approximately 1,090 feet upstream of U.S. Route 522 ...	*571
<i>Newtown Creek:</i>		<i>Lilly Creek:</i>		Approximately 1,775 feet upstream of U.S. Route 522 ...	*571
Approximately 750 feet downstream of Route 14/17	*877	Approximately 100 feet downstream of downstream corporate limits	*780	Maps available for inspection at the Shirley Township Building, Shirleysburg, Pennsylvania.	
Approximately 535 feet upstream of East Franklin Street	*891	At upstream corporate limits	*786		
Maps available for inspection at the Horseheads Village Hall, 202 South Main Street, Horseheads, New York.		Maps available for inspection at the County Planning Commission, 451 North Third Street, Dayton, Ohio.		PUERTO RICO	
				Commonwealth (FEMA Docket No. 7149)	
Lake George (village), Warren County (FEMA Docket No. 7159)		Riverside (city), Montgomery County (FEMA Docket No. 7168)		<i>Espiritu Santo River:</i>	
<i>Lake George:</i>		<i>Lilly Creek:</i>		Approximately 0.65 kilometer upstream of the confluence with the Atlantic Ocean	*2.2
Entire shoreline within community	*321	Approximately 200 feet upstream of Byesville Boulevard	*768	Approximately 4.61 kilometers upstream of the confluence with the Atlantic Ocean	*6.9
Maps available for inspection at the Village of Lake George Administrative Building, Amherst Street, Lake George, New York.		Approximately 132 feet downstream of Harshman Road	*787	<i>Rio Guanajibo:</i>	
		Shallow Ponding Area (Zone AH):		Approximately 1,200 meters downstream of Puerto Rico Highway 2	*80.0
Lewis (town), Lewis County (FEMA Docket No. 7168)		Approximately 700 feet northwest of the intersection of Byesville Boulevard and Fairfax Avenue	*766	Approximately 870 meters downstream of Puerto Rico Highway 368	*100.8
<i>East Branch Mohawk River:</i>		Approximately 500 feet north of intersection of Glendean Avenue and Springfield Avenue	*766	*Elevation in meters (Mean Sea Level)	
Approximately 0.47 mile downstream of State Route 26	*1457	Just south of intersection of Springfield Pike and Fairfax Avenue	*767	Maps available for inspection at the North Minillas Building, Dediezo Avenue, 22 Top, Santurce, Puerto Rico.	
Approximately 0.74 mile upstream of State Route 26	*1499	North side of intersection of Fairfax Avenue and Derwent Drive	*767	(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")	
Maps available for inspection at the Lewis Town Clerk's Office, 791 Main Street, West Leyden, New York.		Shallow Flooding Area (Zone AO):		Dated: May 13, 1996.	
		Southside of intersection of Fairfax Avenue and Derwent Drive		Richard W. Krimm,	
				<i>Acting Associate Director for Mitigation.</i>	
				[FR Doc. 96-12713 Filed 5-20-96; 8:45 am]	
			#2	BILLING CODE 6718-04-P	

DEPARTMENT OF DEFENSE**48 CFR Parts 209 and 243****[DFARS Case 96–D305]****Defense Federal Acquisition Regulation Supplement; Institutions of Higher Education****AGENCY:** Department of Defense (DoD).**ACTION:** Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a statutory prohibition on providing funds to institutions of higher education which have an anti-ROTC policy.

DATES: Effective date: May 21, 1996.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before July 22, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Mr. Michael Pelky, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 96–D305 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Michael Pelky, (703) 602–0131.

SUPPLEMENTARY INFORMATION:**A. Background**

This interim rule implements Section 541 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106). Section 541 provides that no funds available to DoD may be provided by contract or grant to institutions of higher education which have an anti-ROTC policy.

B. Regulatory Flexibility Act

The Interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule only applies to institutions of higher education which are determined to have an anti-ROTC policy. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 96–D305 in correspondence.

C. Paperwork Reduction Act

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

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Compelling reasons exist to promulgate this rule without prior opportunity for public comment. This rule implements Section 541 of the National Defense Authorization Act for Fiscal year 1996 (Public Law 104–106), which was effective upon enactment on February 10, 1996. However, comments received in response to the publication of this rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 209 and 243

Government procurement.
Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 209 and 243 are amended as follows:

PART 209—CONTRACTOR QUALIFICATIONS

The authority citation for 48 CFR Parts 209 and 243 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Sections 209.470–1 and 209.470–2 are revised to read as follows:

209.470–1 Policy.

(a)(1) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) provides that no funds available to DoD may be provided by grant or contract to any institution of higher education that has a policy of denying or that effectively prevents the Secretary of Defense from obtaining for military recruiting purposes—

(i) Entry to campuses or access to students on campuses; or
(ii) Access to directory information pertaining to students.

(2) Section 541 of the National Defense Authorization Act for Fiscal Year 1996 (10 U.S.C. 983) provides that no funds appropriated or otherwise available to DoD may be obligated by contract or by grant, including a grant of funds to be available for student aid, to

any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps, or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior Reserve Officer Training Corps at another nearby institution of higher education. This prohibition applies to new contracts and all contract modifications. (See 243.105.) This prohibition shall cease to apply to that institution upon a determination by the Secretary that the institution no longer has an anti-ROTC policy.

(b) Institutions of higher education that are determined under 32 CFR part 216 to have the policy or practice in paragraph (a)(1) or (a)(2) of this subsection shall be listed as ineligible on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs published by the General Services Administration. (See FAR 9.404.)

(c) In cases where a determination is made under 32 CFR part 216 that specific subordinate elements of an institution of higher education, rather than the institution as a whole, have the policy or practice in paragraph (a)(1) or (a)(2) of this subsection, 32 CFR part 216 provides that the prohibition on use of DoD funds applies only to those subordinate elements.

209.470–2 Procedures.

(a) Agencies shall not solicit offers from, award contracts to, or consent to subcontracts with ineligible contractors.

(b) After a determination of ineligibility under 209.470–1(a)(1), departments and agencies shall make no further payments under existing contracts with the institutions, and shall initiate termination action.

PART 243—CONTRACT MODIFICATIONS

3. Section 243.105 is revised to read as follows:

243.105 Availability of funds.

(a)(i) 10 U.S.C. 2405 prohibits adjustments in price under a shipbuilding contract entered into after December 7, 1983, for a claim, request for equitable adjustment, or demand for payment under the contract, arising out of events occurring more than 18 months before submission of the claim, request, or demand.

(ii) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)

provides that no funds available to DoD may be provided by contract or contract modification, nor may contract payments be made, to an institution of higher education that has a policy of denying or that effectively prevents the Secretary of Defense from obtaining for military recruiting purposes—

(A) Entry to campuses or access to students on campuses; or

(B) Access to directory information pertaining to students. (See 209.470.)

(iii) Pursuant to 10 U.S.C. 983, no funds may be obligated by contract or contract modification to an institution of higher education that has an anti-ROTC policy. (See 209.470.)

[FR Doc. 96-12766 Filed 5-20-96; 8:45 am]

BILLING CODE 5000-04-M

48 CFR Part 242

[DFARS Case 96-D007]

Defense Federal Acquisition Regulation Supplement; Direct Submission of Vouchers to Disbursing Office

AGENCY: Department of Defense (DOD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to allow the contract auditor to authorize direct submission of interim vouchers for provisional payment to the disbursing office, for contractors with approved billing systems.

EFFECTIVE DATE: May 21, 1996.

FOR FURTHER INFORMATION CONTACT: Rick Layser, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax (703) 602-0350. Please cite DFARS Case 96-D007.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 242.803 to reduce unnecessary review and approval, by the contract auditor, of interim vouchers for provisional payment under DoD contracts.

B. Regulatory Flexibility Act

This final rule does not constitute a significant DFARS revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such

comments should cite DFARS Case 96-D007 in correspondence.

C. Paperwork Reduction Act

This rule does not impose any new information collection requirements which 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 242

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 242 is amended as follows:

PART 242—CONTRACT ADMINISTRATION

1. The authority citation for 48 CFR Part 242 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Section 242.803 is amended by redesignating paragraphs (b)(i)(C) and (b)(i)(D) as paragraphs (b)(i)(D) and (b)(i)(E), respectively, and by adding a new paragraph (b)(i)(C) to read as follows:

242.803 Disallowing costs after incurrence.

* * * * *

(b) * * *

(i) * * *

(C) Authorizing direct submission of interim vouchers for provisional payment to the disbursing office for contractors with approved billing systems.

* * * * *

[FR Doc. 96-12765 Filed 5-20-96; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 37 and 38

[Docket No. 49658]

RIN 2105-AC13

Transportation for Individuals With Disabilities

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: The Department is amending several provisions of its rules implementing the Americans with Disabilities Act (ADA). Some of the changes are being made in response to petitions received by the Department.

The first change will ensure that the rule treats independent private schools similarly to other schools. The second change will apply the same gap standard to high speed automated guideway transit (AGT) systems as is applied to other rapid and light rail systems. The third petition granted in this rule will give local jurisdictions more discretion with respect to advance reservation systems for paratransit services. However, the Department is withdrawing a proposal that would have permitted transit authorities to determine that certain bus stops may be designated as non-accessible stops.

This rule will also make six amendments that derive from the Department's own proposals. The first will decrease the paperwork burden of producing annual paratransit plan updates once the paratransit system reaches full compliance with ADA regulations. The second will clarify a visitor's eligibility for paratransit services. The third will clarify the vehicle acquisition requirements for private entities not primarily engaged in the business of transporting people. The fourth amendment will remove "inability to comply" as a condition of gaining a determination of equivalent facilitation. The final two amendments will eliminate confusion in a cross reference within the regulation and correct a typographical error. The Department has concluded that no change is warranted in the regulatory definition of a personal care attendant.

EFFECTIVE DATE: This final rule is effective June 20, 1996.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590. (202) 366-9306 (voice); (202) 755-7687 (TDD); or Richard Wong, Office of Chief Counsel, Federal Transit Administration, same street address, Room 9316. (202) 366-4011.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Department published its notice of proposed rulemaking (NPRM) on the issues covered by this rule on July 21, 1994. The NPRM included proposed amendments that were petitioned for by the public on which the Department took no initial position and proposals that the Department generated internally. The Department received over 275 comments on the NPRM, most of which came from individuals with disabilities, organizations representing them and transit authorities. Additional