

| Type of structure | A zone rates ¹ per year per \$100 coverage on: | | V zone rates ² per year per \$100 coverage on: | |
|---|---|----------|---|----------|
| | Structure | Contents | Structure | Contents |
| 1. Residential | | | | |
| No Basement or Enclosure | .68 | .79 | .82 | .95 |
| With Basement or Enclosure | .73 | .79 | .88 | .95 |
| 2. All other including hotels and motels with normal occupancy of less than 6 months duration | | | | |
| No Basement or Enclosure | .79 | 1.58 | .95 | 1.90 |
| With Basement or Enclosure | .84 | 1.58 | 1.01 | 1.90 |

¹ A zones are zones A1–A30, AE, AO, AH, and unnumbered A zones.

² V zones are zones V1–V30, VE, and unnumbered V zones.

National Environmental Policy Act

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4371 *et seq.*, and the implementing regulations of the Council on Environmental Quality, 40 CFR parts 1500–1508, FEMA is conducting an environmental assessment of this proposed rule. The assessment will be available for inspection through the Rules Docket Clerk, Federal Emergency Management Agency, room 840, 500 C St. SW., Washington, DC 20472.

Executive Order 12866, Regulatory Planning and Review

This proposed rule is not a significant regulatory action within the meaning of § 2(f) of E.O. 12866 of September 30, 1993, 58 FR 51735, but attempts to adhere to the regulatory principles set forth in E.O. 12866. The proposed rule has not been reviewed by the Office of

Management and Budget under E.O. 12866.

Paperwork Reduction Act

This proposed rule does not contain a collection of information and therefore is not subject to the provisions of the Paperwork Reduction Act of 1995.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under E.O. 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of § 2(b)(2) of E.O. 12778.

List of Subjects in 44 CFR Part 61

Flood insurance.

Accordingly, we propose to amend 44 CFR Part 61 as follows:

PART 61—INSURANCE COVERAGE AND RATES

1. The authority citation for Part 61 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Section 61.9 is revised to read as follows:

§ 61.9 Establishment of chargeable rates.

(a) Under section 1308 of the Act, we are establishing annual chargeable rates for each \$100 of flood insurance coverage as follows for pre-FIRM A zone properties, pre-FIRM V zone properties, and emergency program properties.

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| No Basement or Enclosure | .79 | 1.58 | .95 | 1.90 |
| With Basement or Enclosure | .84 | 1.58 | 1.01 | 1.90 |

¹ A zones are zones A1–A30, AE, AO, AH, and unnumbered A zones.

² V zones are zones V1–V30, VE, and unnumbered V zones.

(b) We will charge rates for contents in pre-FIRM buildings according to the use of the building.

(c) A-zone rates for buildings without basements or enclosures apply uniformly to all buildings throughout emergency program communities.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance"; No. 83.516, "Disaster Assistance")

Dated: January 18, 1999.

Jo Ann Howard,

Administrator, Federal Insurance Administration.

[FR Doc. 99–1745 Filed 1–25–99; 8:45 am]

BILLING CODE 6718–03–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067–AC94

Disaster Assistance; Factors Considered When Evaluating a Governor's Request for a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act) grants the President the authority for declarations of major disasters and emergencies. We, FEMA, provide a recommendation to the President whether Federal disaster assistance is warranted. This proposed rule would establish the factors that we take into consideration when evaluating a Governor's request for a major disaster declaration under the Stafford Act. This proposed rule would not affect presidential discretion, nor would it change published regulations and policies established under the Stafford Act.

DATES: We invite your comments, which may be submitted on or before April 26, 1999.

ADDRESSES: Please send any comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., room 840, Washington, DC 20472, (facsimile) 202-646-4536, or (email) rules@fema.gov.

FOR FURTHER INFORMATION CONTACT: Patricia Stahlschmidt, Response and Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202-646-4066, (facsimile) 202-646-4060, or (email) patricia.stahlschmidt@fema.gov.

SUPPLEMENTARY INFORMATION:

Background

The Stafford Act requires that the Governor of the affected State submit requests for major disaster assistance to the President. The Governor's request must be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments. Our role is to evaluate the Governor's request and to make a recommendation to the President whether major disaster assistance is warranted. We take this role very seriously and evaluate each request on the basis of a number of factors. This process ensures that we evaluate requests fairly and consistently across all States while at the same time it permits us to look at the unique circumstances and needs of each request. In recent years the General Accounting Office, our Inspector General, Congress and some States and local governments have asked that we publish the criteria that we use to evaluate these requests.

Objectives

We agree that it is time to publish the factors used to evaluate major disaster

declarations and have adopted four objectives for these factors:

1. They must be easy to understand and administer;
2. They should encourage the State to establish its own funded disaster assistance programs;
3. They should provide incentives for hazard mitigation and insurance;
4. They should focus primarily on the Public Assistance Program.

Discussions with Others

We discussed declaration factors with the National Emergency Management Association and a number of other organizations in the development of these evaluation factors. There are differences of opinion whether disaster declaration criteria should be published and what they should be. Some States want this information so that they know when a major disaster declaration request is reasonable, and what size disaster the State should be expected to manage so that they can have a target level for their own trust funds or disaster assistance programs. Other States object to criteria, seeing criteria as a "one-size-fits-all" approach and merely a means to transfer costs to State and local governments. All individuals that we met with saw the need to preserve the President's discretion.

We believe that the factors outlined below:

- Preserve presidential discretion while at the same time they provide a threshold of damages under the Public Assistance Program that we can reasonably expect States and local governments to manage;
- Are not a mechanism for transferring costs to State and local governments, but in fact, essentially mirror the process that we now use to evaluate requests for major disaster declarations;
- Would allow us to evaluate the unique circumstances or needs created by each disaster while permitting us to apply all factors consistently to each State's request; and
- Provide an objective and clear measurement by including a per capita figure among the factors that we would evaluate. However, the per capita amount alone does not automatically mean a denial if the State does not meet it, nor does it guarantee a declaration if the State meets it.

In summary, the evaluation factors propose a simple, clear and reasonable means to measure the severity, magnitude and impact of a disaster, while at the same time ensure that the President can respond quickly and effectively to a Governor's request for assistance.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR part 10. We have not prepared an environmental assessment.

Executive Order 12866, Regulatory Planning and Review

This proposed rule is not a significant regulatory action within the meaning of section 2(f) of E.O. 12866 of September 30, 1993, 58 FR 51735, but attempts to adhere to the regulatory principles set forth in E.O. 12866. The rule has not been reviewed by the Office of Management and Budget under E.O. 12866.

Paperwork Reduction Act

This proposed rule does not contain a collection of information and therefore is not subject to the provisions of the Paperwork Reduction Act of 1995.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under E.O. 12612, Federalism, dated October 16, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of E.O. 12778.

List of Subjects in 44 CFR Part 206

Administrative practice and procedure, Disaster assistance, Intergovernmental relations, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 44 CFR Part 206 as follows:

PART 206—[AMENDED]

1. The authority citation for part 206 continues to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

2. We are adding section 206.48 to read as follows.

§ 206.48 Factors considered when evaluating a Governor's request for a major disaster declaration.

When we review a Governor's request for major disaster assistance under the Stafford Act, these are the primary factors in making a recommendation to the President whether assistance is warranted. We consider other relevant information as well.

(a) Public Assistance Program. We evaluate the following factors to evaluate the need for assistance under the Public Assistance Program.

(1) *Estimated Cost of the Assistance.* We evaluate the estimated cost of Federal and nonfederal public assistance against the statewide population to give some measure of the per capita impact within the State. We use a figure of \$1 per capita as an indicator that the disaster is of such size that it might warrant Federal assistance, and adjust this figure annually based on the Consumer Price Index for all Urban Consumers. We are establishing a minimum threshold of \$1 million in public assistance damages per disaster in the belief that we can reasonably expect even the lowest population States to cover this level of public assistance damage.

(2) *Impact at the County Level.* We evaluate the impact of the disaster at the county level because at times there are extraordinary concentrations of damages that might warrant Federal assistance even if the statewide per capita is not met. This is particularly true where critical facilities are involved or where the per capita impact at the county level might be extremely high. For example, we have at times seen localized damages in the tens or even hundreds of dollars per capita at the county level though the statewide per capita impact was low.

(3) *Insurance coverage in force.* We consider the amount of insurance coverage that is in force or should have been in force as required by law and

regulation at the time of the disaster, and reduce the amount of anticipated assistance by that amount.

(4) *Hazard mitigation.* To recognize and encourage mitigation, we consider the extent to which State and local government measures contributed to the reduction of disaster damages for the disaster under consideration. For example, if a State can demonstrate in its disaster request that a Statewide building code or other mitigation measures are likely to have reduced the damages from a particular disaster, we consider that in the evaluation of the request. This could be especially significant in those disasters where, because of mitigation, the estimated public assistance damages fell below the per capita indicator.

(5) *Recent multiple disasters.* We look at the disaster history within the last twelve-month period to evaluate better the overall impact on the State or locality. We consider declarations under the Stafford Act as well as declarations by the Governor and the extent to which the State has spent its own funds.

(6) *Programs of other Federal assistance.* We also consider programs of other Federal agencies because at times their programs of assistance might more appropriately meet the needs created by the disaster.

(b) Factors for the Individual Assistance Program. We consider the following factors to measure the severity, magnitude and impact of the disaster and to evaluate the need for assistance to individuals under the Stafford Act.

(1) *Concentration of Damages.* We evaluate the concentrations of damages to individuals. High concentrations of damages generally indicate a greater need for Federal assistance than widespread and scattered damages throughout a State.

(2) *Trauma.* We consider the degree of trauma to a State and to communities. Some of the conditions that might cause trauma are:

- (i) Large numbers of injuries and deaths;
- (ii) Large scale disruption of normal community functions and services; and
- (iii) Emergency needs such as extended or widespread loss of power or water.

(3) *Special Populations.* We consider whether special populations, such as low-income, the elderly, or the unemployed are affected, and whether they may have a greater need for assistance.

(4) *Voluntary Agency Assistance.* We consider the extent to which voluntary agencies and State or local programs can meet the needs of the disaster victims.

(5) *Insurance.* We consider the amount of insurance coverage because, by law, Federal disaster assistance cannot duplicate insurance coverage.

(6) *Average Amount of Individual Assistance by State.* There is *no set threshold* for recommending Individual Assistance, but the following averages may prove useful to States and voluntary agencies as they develop plans and programs to meet the needs of disaster victims.

AVERAGE AMOUNT OF ASSISTANCE PER DISASTER

[July 1994 to August 1998]

| | Small States (under 2 million pop.) | Medium States (2–10 million pop.) | Large States (over 10 million pop.) |
|---|-------------------------------------|-----------------------------------|-------------------------------------|
| Average Population (1990 census data) | 1,045,452 | 4,888,599 | 15,556,781. |
| Number of Disaster Housing Applications Approved | 1,375 | 2,434 | 5,517. |
| Number of Homes Estimated Major Damage/Destroyed | 161 | 426 | 895. |
| Dollar Amount of Housing Assistance | \$2.6 million | \$4.3 million | \$10.4 million. |
| Number of Individual and Family Grant Applications Approved | 437 | 1,222 | 2,966. |
| Dollar Amount of Individual and Family Grant Assistance | \$1.0 million | \$2.6 million | \$4.4 million. |
| Disaster Housing/IFG Combined Assistance | \$3.6 million | \$6.9 million | \$14.8 million. |

(Note: The high 3 and low 3 disasters, based on Disaster Housing Applications, are not considered in the averages. Number of Damaged/Destroyed Homes is estimated based on the number of owner-occupants who qualify for Eligible Emergency Rental Resources. Data source is FEMA's National Processing Service Centers. Data are only available from July 1994 to the present.)

Small Size States (under 2 million population, listed in order of 1990 population): Wyoming, Alaska, Vermont, District of Columbia, North Dakota,

Delaware, South Dakota, Montana, Rhode Island, Idaho, Hawaii, New Hampshire, Nevada, Maine, New Mexico, Nebraska, Utah, West Virginia. U.S. Virgin Islands and all Pacific Island dependencies.

Medium Size States (2–10 million population, listed in order of 1990 population): Arkansas, Kansas, Mississippi, Iowa, Oregon, Oklahoma, Connecticut, Colorado, South Carolina, Arizona, Kentucky, Alabama, Louisiana, Minnesota, Maryland, Washington, Tennessee, Wisconsin, Missouri, Indiana, Massachusetts,

Virginia, Georgia, North Carolina, New Jersey, Michigan, Puerto Rico.

Large Size States (over 10 million population, listed in order of 1990 population): Ohio, Illinois, Pennsylvania, Florida, Texas, New York, California.

Dated: January 12, 1999.

James L. Witt,

Director.

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