

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
<i>Lick Run:</i>	
At confluence with Olentangy River	*783
Approximately 50 feet upstream of CSX Transportation	*922
<i>Little Walnut Creek:</i>	
At downstream side of U.S. Highway 36	*915
At Carters Corner Road	*939
<i>Olentangy River:</i>	
At the downstream county boundary	*768
Approximately 4,000 feet downstream of U.S. Highway 23	*820
<i>Reed Run:</i>	
At confluence with Olentangy River	*790
At CSX Transportation	*918
<i>Weeping Rock Run:</i>	
At confluence with Olentangy River	*792
At North Road	*920
<i>Wildcat Run:</i>	
At confluence with Reed Run	*803
Approximately 40 feet upstream of CSX Transportation	*923
<i>Tylers Run:</i>	
At confluence with Bartholomew Run	*826
Approximately 100 feet downstream of Liberty Street	*884
<i>Spring Run:</i>	
Approximately 500 feet downstream of Maxtown Road	*892
At Maxtown Road	*893
Maps available for inspection at the Delaware County Floodplain Administrator's Office, 50 Channing Street, Delaware, Ohio.	
Franklin County (Unincorporated Areas) (FEMA Docket No. 7251)	
<i>Olentangy River:</i>	
At upstream county boundary	*768
Approximately 0.9 mile upstream of Henderson Road	*742
Maps available for inspection at the Franklin County Emergency Management Office, 756 Harmon Avenue, Columbus, Ohio.	
Galena (Village), Delaware County (FEMA Docket No. 7251)	
<i>Big Walnut Creek:</i>	
At Sunbury Road	*902
At a point approximately 1,000 feet downstream of Abandoned Railroad bridge	*908
Maps available for inspection at the Village of Galena Municipal Building, 9 West Columbus Street, Galena, Ohio.	
Ostrander (Village), Delaware County (FEMA Docket No. 7251)	
<i>Blues Creek:</i>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 900 feet downstream of Penn Road (downstream corporate limits)	*908
Approximately 200 feet downstream of Ostrander Road	*914
Maps available for inspection at the Jacob C. Ostrander Community Center, South Main Street, Ostrander, Ohio.	
Powell (Village), Delaware County (FEMA Docket No. 7251)	
<i>Olentangy River:</i>	
At downstream corporate limit	*776
At upstream corporate limit	*777
<i>Retreat Run:</i>	
At confluence with Olentangy River	*776
Approximately 25 feet downstream of State Route 315	*776
Maps available for inspection at the Village of Powell Municipal Building, 260 Village Park Drive, Powell, Ohio.	
Riverlea (Village), Franklin County (FEMA Docket No. 7251)	
<i>Olentangy River:</i>	
Approximately 600 feet upstream of confluence of Rush Run	*748
Approximately 0.5 mile upstream of confluence of Rush Run	*750
Maps available for inspection at the Mayor's Office, 301 West Riverglan Drive, Worthington, Ohio.	
Sunbury (Village), Delaware County (FEMA Docket No. 7251)	
<i>Big Walnut Creek:</i>	
At confluence of Prairie Run	*926
At a point approximately 150 feet downstream of U.S. Route 36	*994
Maps available for inspection at the Village of Sunbury Building Department, 37 East Granville Street, Sunbury, Ohio.	
Worthington (City), Franklin County (FEMA Docket No. 7251)	
<i>Olentangy River:</i>	
Approximately 400 feet downstream of Interstate 270	*760
Approximately 700 feet downstream of confluence of Rush Run	*746
Maps available for inspection at the Worthington City Engineer's Office, 380 Highland Avenue, Worthington, Ohio.	

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

Dated: November 10, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98-31043 Filed 11-19-98; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067-AC89

Disaster Assistance; Redesign of Public Assistance Project Administration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim final rule.

SUMMARY: We have redesigned the Public Assistance Disaster Grant Program to provide money to applicants more quickly and to make the application process simpler than before. This rule reflects changes needed to put the new Public Assistance Program into effect.

DATES: Effective Date: This rule is effective on November 20, 1998.

Comments: We invite your comments on the changes to the rule and your recommendations for additional changes to it on or before January 4, 1999.

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

FOR FURTHER INFORMATION CONTACT: Melissa M. Howard, Ph.D., Federal Emergency Management Agency, room 713, 500 C Street SW., Washington DC 20472, (202) 646-4240, or (email) melissa.howard@fema.gov.

SUPPLEMENTARY INFORMATION:

What does the redesigned program do? The redesigned program emphasizes better, more personal customer service, improved communications, reallocated responsibilities, more efficient and consistent program delivery, and a faster, simpler system for obtaining funding than under our current regulations. As we announced in our February 4, 1998 **Federal Register** notice, 63 FR 5804, we field tested the new system from March 1, 1998 to August 31, 1998. While we are making most of our improvements through internal changes to our procedures, some of the improvements require

amendments to the governing regulations. This publication makes those amendments.

What are the basic components of the public assistance grant process? The grant process was redesigned around its four pillars: People, Process, Policy and Performance.

People—The most important component of the redesigned program is People. The success of the program depends on all the people involved in the process, both those who apply for grants and those who are responsible for awarding grants. People who understand the provisions of the program and are willing to work cooperatively in disaster recovery efforts speed the process and make the redesigned program possible. Therefore, to ensure the highest level of professionalism and skill among FEMA staff, we have committed ourselves to program-wide training, to a credentials program, and to a greatly expanded program for sharing information.

Process—We base the program on a partnership among FEMA, the States and local officials. FEMA's role is to provide guidance early in the recovery process, and in some cases, before the disaster occurs. This is a change from our previous focus on inspection and enforcement. In our new role we will provide more information about the program before the disaster strikes and will provide more technical assistance in the development of damage descriptions and cost estimates after the disaster.

The States' role is essentially unchanged from the existing program. As Grantee, the State remains responsible for administering the Federal grant.

The role of local governments and eligible private nonprofit organizations changes with their taking more control in meeting their own needs and speeding their own recovery. For example, those applicants who are able to do so may prepare damage descriptions and cost estimates for small projects. We will continue to help other applicants to prepare their damage descriptions and costs estimates.

Policy—The redesigned program does not change program eligibility, but it does require changes to regulatory, policy and procedural program documents. The changes streamline, simplify and clarify program operations. They also make source documents readily available to those applying for grants and to those who administer the grants.

Performance—The people, policies, and processes that form the foundation of the redesigned program will enhance

program performance. Evaluation of that performance is an essential part of the redesigned program.

Where can you find additional information? You can find additional descriptive information on the redesigned program on our website (<http://www.fema.gov>). At our home page click on Disaster Assistance, then click on Public Assistance, and choose from the menu under the Public Assistance Program.

What changes are we making to the rule? Specific changes to the regulations rename documents, define terms, adjust responsibilities, and edit the rule in a way that we hope makes it easier to read and to understand.

(1) Throughout the text, "Disaster Survey Report" or "DSR" is renamed "Project Worksheet."

(2) We edited § 206.200(b) to read more clearly than before.

(3) We redefined "project" in § 206.201(i) to reflect our new policy.

(4) In § 206.202(b) we removed "damage survey activities," because inspection teams will not exist as before. We also added language about the States' roles in supporting large project identification activities.

(5) In § 206.202(c) we changed "Notice of Interest" to "Request for Public Assistance."

(6) We removed the requirement for a FEMA/State/local inspection team in § 206.202(d)(1), and changed the starting date of the "60 day" period from the date of the initial visit to the date of the first substantive meeting.

(7) We state in § 206.202(d)(2) that we will not approve a Project Worksheet for less than \$1,000 and we replace "site" with "project."

(8) In § 206.202(e) we keep our obligation to explain any delays, but remove the requirement for written explanation of any delay.

(9) Because the applicant will now prepare the Project Worksheet with possible help from the State, § 206.228(a)(2) changes the description of State's responsibility from "* * * preparation of damage survey reports * * *" to "* * * develop and validate Project Worksheets * * *."

(10) We anticipate that the form number assigned for the "Damage Survey Report" (FEMA Form 90-91) will be used for the "Project Worksheet" and that the form number assigned for the "Notice of Interest" (FEMA Form 90-49) will be used for "Request for Assistance." If we assign new form numbers, we will make the change when we publish the final rule.

Administrative Procedure Act Determination

We are publishing this interim final rule without opportunity for prior public comment under the Administrative Procedure Act, 5 U.S.C. 553, having determined that a comment period would be unnecessary, impractical, and contrary to the public interest. This interim final rule does not contain any significant, substantive changes from previous regulations, but reflects changes to internal procedures under which we will process public assistance applications more quickly and simply than before.

Procedures affecting public assistance applications remain substantially unchanged. The procedural changes do not affect the rights of applicants, and primarily affect how we will administer the program. In order to implement the programs for assessments made for FY 1999 and beyond, we need to modify and publish its regulations. We invite public comments on the interim final rule. We will take into account any comments we receive when we publish the final rule.

As Director I determine that good cause exists and that it is in the public interest to issue this interim final rule without opportunity for prior public comment.

National Environmental Policy Act

Our regulations categorically exclude this rule from the preparation of environmental impact statements and environmental assessments as an administrative action in support of normal day-to-day grant activities. We have not prepared an environmental assessment or an environmental impact statement.

Regulatory Flexibility Act

We do not expect this rule (1) to affect adversely the availability of disaster assistance funding to small entities, (2) to have significant secondary or incidental effects on a substantial number of small entities, or (3) to create any additional burden on small entities.

As Director I certify that this rule is not a major rule under Executive Order 12291 and that the rule will not have significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act

This rule does not involve any collection of information for the purposes of the Paperwork Reduction Act.

Executive Order 12612, Federalism

In publishing this rule, we considered the President's Executive Order 12612 on Federalism. This rule makes no changes in the division of governmental responsibilities between the Federal government and the States. Grant administration procedures under 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, remain the same. We have not prepared a Federalism assessment.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, Civil Justice Reform, dated October 25, 1991, 3 CFR, 1991 Comp., p. 359.

Congressional Review of Agency Rulemaking

We have sent this final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 801 *et seq.* The rule is not a "major rule" within the meaning of that Act. It does not result in nor is it likely to result in an annual effect on the economy of \$100,000,000 or more. It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have "significant adverse effects" on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

This final rule is exempt (1) from the requirements of the Regulatory Flexibility Act, as certified previously, and (2) from the Paperwork Reduction Act.

This rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4. The rule does not meet the \$100,000,000 threshold of that Act, and any enforceable duties are imposed as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Part 206

Disaster assistance, Public assistance. Accordingly, 44 CFR part 206 is amended 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. Revise § 206.200(b) to read as follows:

§ 206.200 General.

* * * * *

(b) *What policies apply to FEMA public assistance grants?* (1) The Stafford Act requires that we deliver eligible assistance as quickly and efficiently as possible consistent with Federal laws and regulations. We expect you, as State Grantee, to adhere to Stafford Act requirements and to the regulations in this part when you administer our public assistance grants.

(2) The regulations entitled "Uniform Requirements for Grants and Cooperative Agreements to State and Local Governments," published at 44 CFR part 13, place requirements on you and give you discretion to administer federal programs under your own procedures. We expect you, as State grantee, to:

(i) Inform subgrantees about the status of their applications, including notifications of our approvals of Project Worksheets and our estimates of when we will make payments;

(ii) Pay the full amounts due to subgrantees as soon as practicable after we approve payment, including your State contribution required in the FEMA-State Agreement; and

(iii) Pay your State contribution consistent with State laws.

3. Revise the definitions of *project* and *project approval* in § 206.201(i) and (j) to read as follows:

§ 206.201 Definitions.

* * * * *

(i) A *project* is a logical grouping of work required as a result of the declared major disaster or emergency.

(1) We must approve a scope of eligible work and an itemized cost estimate before funding a project.

(2) A project may include eligible work at several sites.

(j) *Project approval* means the process in which the Regional Director, or designee, reviews and signs an approval of work and costs on a Project Worksheet or on a batch of Project Worksheets. Such approval is also an obligation of funds to the Grantee.

* * * * *

4. Revise § 206.202 to read as follows:

§ 206.202 Application procedures.

(a) *General.* This section describes the policies and procedures we use to process public assistance grants to States. Under this section you, the State, are the Grantee. As Grantee you are responsible for processing subgrants to applicants under 44 CFR parts 13, 14, and 206, and under your own policies and procedures.

(b) *Grantee.* You are the grant administrator for all funds provided under the Public Assistance grant program. Your responsibilities under this section include:

(1) Providing technical advice and assistance to eligible subgrantees;

(2) Providing State support for project identification activities;

(3) Ensuring that all potential applicants are aware of available public assistance; and

(4) Submitting documents necessary for the award of grants.

(c) *Request for public assistance (Request).* You, the Grantee, must send a completed Request (FEMA Form 90-49) to the Regional Director for each applicant who requests public assistance. You must send Requests to the Regional Director within 30 days after designation of the area where the damage occurred.

(d) *Project Worksheets.* (1) An applicant's authorized local representative is responsible for representing the applicant and for ensuring that the applicant has identified all eligible work and submitted all costs for disaster-related damages for funding.

(i) We or the applicant will prepare a Project Worksheet (FEMA Form 90-91) for each project. The Project Worksheet must identify the eligible scope of work and must include a quantitative estimate for the eligible work.

(ii) The applicant will have 60 days following its first meeting with us to identify and to report damage to us.

(2) When the estimated cost of work on a project is less than \$1,000, that work is not eligible and we will not approve a Project Worksheet for the project. Periodically we will review this minimum approval amount for a Project Worksheet and, if needed, will adjust the amount by regulation.

(e) *Grant approval.* (1) When the applicant submits the Project Worksheets, we will have 45 days to obligate Federal funds. If we have a delay beyond 45 days we will explain the delay to you.

(2) Before we obligate any funds you, the Grantee, must complete and send to the Regional Director a Standard Form (SF) 424, Application for Federal Assistance, and an SF 424D, Assurances

for Construction Programs. After we receive the SF 424 and SF 424D, the Regional Director will obligate funds to you based on the approved Project Worksheets. You will then approve subgrants based on the Project Worksheets approved for each applicant.

5. Revise § 206.228(a)(2)(i) to read as follows:

§ 206.228 Allowable costs.

* * * * *

(a) * * *

(1) * * *

(2) *Statutory Administrative Costs—(i) Grantee.* Under section 406(f)(2) of the Stafford Act, we will pay you, the State, an allowance to cover the extraordinary costs that you incur to develop and validate Project Worksheets, to prepare final inspection reports, project applications, final audits, and to make related field inspections by State employees. Eligible costs include overtime pay and per diem and travel expenses, but do not include regular time for your State employees. The allowance to you will be based on the following percentages of the total amount of Federal assistance that we provide for all subgrantees in the State under sections 403, 406, 407, 502, and 503 of the Act:

* * * * *

Dated: November 13, 1998.

James L. Witt,

Director.

[FR Doc. 98-31044 Filed 11-19-98; 8:45 am]

BILLING CODE 6718-02-P

DEPARTMENT OF DEFENSE

48 CFR Parts 209, 213, 219, 225, 231, 235, 236, 252, and 253

Defense Federal Acquisition Regulation Supplement; Adoption of Interim Rules as Final Rules Without Change

AGENCY: Department of Defense (DoD).

ACTION: Final rules.

SUMMARY: The Director of Defense Procurement is adopting as final, without change, eight interim rules that amended the Defense Federal Acquisition Regulation Supplement (DFARS). The rules pertain to contractor responsibility, awards to small disadvantaged business concerns, small business subcontracting plans, domestic source restrictions, restructuring costs, research and development contracting, and construction in foreign countries.

EFFECTIVE DATE: November 20, 1998.

FOR FURTHER INFORMATION CONTACT:

Ms. Michelle Peterson, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

The following is a summary of the eight interim rules that are adopted as final without change. DoD published the interim rules in the **Federal Register** for public comment and considered all comments received.

List of Firms Not Eligible for Defense Contracts (DFARS Case 97-D325) (63 FR 14836, March 27, 1998)

This rule amends DFARS Parts 209 and 252 to implement Section 843 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85). Section 843 requires that the Secretary of Defense maintain a list of all firms that the Secretary has identified as being subject to a prohibition on contract award due to ownership or control of the firm by the government of a terrorist country; and that DoD contractors be prohibited from entering into subcontracts with firms on the list unless there is a compelling reason to do so.

Direct Award of 8(a) Contracts (DFARS Case 98-D011) (63 FR 33586, June 19, 1998)

This rule amends DFARS Parts 213, 219, 252, and 253 to implement a Memorandum of Understanding (MOU) dated May 6, 1998, between the Small Business Administration (SBA) and DoD. The MOU streamlines the processing procedures for contract awards under SBA's 8(a) Program by authorizing DoD to award contracts directly to 8(a) concerns.

Comprehensive Subcontracting Plans (DFARS Case 97-D323) (63 FR 14640, March 26, 1998)

This rule amends DFARS 219.702 to reflect revisions made to the DoD Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans, as required by Section 822 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85). Section 822 extends, from September 30, 1998, to September 30, 2000, the expiration date for the test program; and provides for use of comprehensive subcontracting plans by participating contractors that are performing as subcontractors under DoD contracts.

Waiver of 10 U.S.C. 2534—United Kingdom (DFARS Case 98-D016) (63 FR 43887, August 17, 1998)

This rule amends DFARS Subpart 225.70 and the clauses at DFARS 252.225-7016 and 252.225-7029 to implement a waiver of the domestic source restrictions of 10 U.S.C. 2534(a)

for certain items manufactured in the United Kingdom. The waiver was signed by the Under Secretary of Defense (Acquisition and Technology) on June 19, 1998, and became effective on August 4, 1998.

Allowability of Costs for Restructuring Bonuses (DFARS Case 97-D312) (62 FR 63035, November 26, 1997)

This rule amends DFARS 231.205-6 to implement Section 8083 of the National Defense Appropriations Act for Fiscal Year 1998 (Public Law 105-56). Section 8083 prohibits the use of fiscal year 1998 funds to reimburse a contractor for costs paid by the contractor to an employee for a bonus or other payment in excess of the normal salary paid by the contractor to the employee, when such payment is part of restructuring costs associated with a business combination.

Restructuring Costs (DFARS Case 97-D313) (63 FR 7308, February 13, 1998)

This rule amends DFARS 231.205-70 to implement Section 8092 of the National Defense Appropriations Act for Fiscal Year 1998 (Public Law 105-56) and Section 804 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85). Sections 8092 and 804 restrict the reimbursement of restructuring costs associated with a business combination undertaken by a defense contractor unless certain conditions are met.

Streamlined Research and Development Contracting (DFARS Case 97-D002) (63 FR 34605, June 25, 1998)

This rule revises DFARS Subpart 235.70 to implement streamlined solicitation and contracting procedures for research and development acquisitions. The procedures use a standard solicitation and contract format, and use the World Wide Web to disseminate the standard format and publish the resulting solicitations.

Construction in Foreign Countries (DFARS Case 97-D307) (63 FR 11522, March 9, 1998)

This rule amends DFARS Part 236 and adds a new provision at 252.236-7012 to implement Section 112 of the Military Construction Appropriations Act for Fiscal Year 1998 (Public Law 105-45). Section 112 provides that no military construction appropriations may be used to award, to a foreign contractor, any contract estimated to exceed \$1,000,000 for military construction in the United States territories and possessions in the Pacific