ACTION: Public land order.

SUMMARY: This order partially revokes a Departmental order insofar as it affects 41.80 acres of public land withdrawn for the Bureau of Reclamation, Central Arizona Project. The 41.80 acres are included in a State Selection application filed by the State of Arizona, and, consequently, will remain closed to surface entry and mining location, but not mineral leasing, pending transfer out of Federal ownership. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Department Order of March 17, 1952, which withdrew public land for the Bureau of Reclamation, Central Arizona Project, is hereby revoked as to the following described land:

Gila and Salt River Meridian, Arizona

T. 3 N., R. 6 E.,
Sec. 1, lots, 9, 10, and 11.

The area described contains 41.80 acres in Maricopa County.

2. The above described land is classified for State Selection under the Act of June 20, 1910 (36 Stat. 577), pursuant to an application filed by the State of Arizona. This land will remain segregated from disposition under the public land laws, including the mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws.

3. The above described land has been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the above land should be addressed to the Arizona State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 26, 1983.

[FR Doc. 83-26578 Filed 9-28-83; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6470

[OR-7771]

Oregon; Withdrawal of Lands for Addition to Malheur National Wildlife Refuge

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 199.90 acres of public land for use by the U.S. Fish and Wildlife Service as an addition to the Malheur National Wildlife Refuge. This action will close the land to surface entry and mining, but not to mineral leasing. The withdrawal will remain in effect for 40 years.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use by the U.S. Fish and Wildlife Service as an addition to the Malheur National Wildlife Refuge.

Willamette Meridian

Malheur National Wildlife Refuge, Addition

T. 25 S., R. 33 E.,
Sec. 34, lot 10.
T. 26 S., R. 33 E.,
Sec. 3, lots 2, 4, and 10, and SW¼SE¼;
Sec. 10, W½NE¼.

The areas described contain 199.90 acres in Harney County.

2. The withdrawal shall remain in effect for a period of 40 years from the effective date of this order.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

September 26, 1983.
Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 83-26577 Filed 9-28-83; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6471

[A-18433]

Arizona; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes nine Secretarial orders insofar as they affect 13,172 acres withdrawn for the Colorado River Storage Project. This action will restore 280 acres to surface entry and mining. Another 41 acres are privately owned and will remain closed to mining. The balance of 12,851 acres have been identified by the State of Arizona under the State Indemnity Lieu Selection Program and will remain closed to surface entry and mining. All of the withdrawn public lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, (602) 261-4774.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The nine Secretarial Orders dated July 2, 1902, August 26, 1902, January 31, 1903, September 8, 1903, July 20, 1905, February 19, 1929, March 14, 1929, June 4, 1930, and October 16, 1931, which withdrew lands for the Colorado River Survey, Colorado River Storage Project, and Yuma Project, are hereby revoked insofar as they affect the following described lands:

Gila and Salt River Meridian, Arizona

T. 10 N., R. 18 W.,
Sec. 5, lot 4, SW¼NW¼, SW¼;
Sec. 6, lots 1, 5, 6, 7, 8, 9, SE¼NE¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, NE¼, N½SE¼, SW¼SE¼;
Sec. 18, lot 1, NW¼NE¼.
T. 11 N., R. 18 W.,
Sec. 22, N½NE¼, N½S½NE¼, S½SW¼NE¼, W½SW¼SE¼NE¼, W½, W½W½NE¼SE¼, W½SE¼, SE¼SE¼.
T. 10 N., R. 19 W.,
Sec. 13, N½NE¼, N½SW¼NE¼, NW¼SE¼NE¼, NE¼NW¼, N½S½NW¼, S½SW¼NW¼, W½SW¼;
Sec. 14, lots 4, 5, 6, NE¼NE¼, SW¼NE¼, lying east of State Highway 95, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 22, lot 5, E½NE¼, NE¼SE¼.
T. 14 N., R. 20 W.,
Sec. 28, NE¼.
T. 3 N., R. 21 W.,
Sec. 4, lots 6, 7, 8, SW¼, W½SE¼;
Sec. 5, lots 5, 6, 7, 8, SW¼NW¼, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, N½NE¼, N½S½NE¼, S½S½NE¼NW¼, N½SE¼NW¼;
Sec. 9, NW¼NE¼, N½NW¼.
T. 21 N., R. 21 W.,
Sec. 28, all;
Sec. 30, lot 4, N½NE¼SE¼SW¼, SW¼NE¼SE¼SW¼, W½SE¼SW¼, NW¼SE¼SE¼SW¼, S½SE¼SE¼SW¼, E½SW¼SE¼, E½NW¼SW¼SE¼, NW¼NW¼SW¼SE¼, NE¼SW¼SW¼SE¼, S½SW¼SW¼SE¼, SE¼SE¼.
T. 2 N., R. 22 W.,
Sec. 3, lots 3, 5, S½NW¼;

Sec. 4, lots 5, 6, 7, N½SW¼, SW¼SW¼, lying south and east of Colorado River, SE¼SW¼, SE¼;
Sec. 5, SE¼, lying south and east of Colorado River;
Sec. 8, lots 4, 5, NE¼, E½NW¼, NE¼SW¼, lying south and east of Colorado River, SE¼SW¼, E½SE¼, NW¼SE¼, N½SW¼SE¼, N½S½SW¼SE¼, SW¼SW¼SW¼SE¼, SE¼SE¼SW¼SE¼;
Sec. 9, W½;
Sec. 17, lots 4, 5, E½NE¼, NE¼NE¼NW¼NE¼, NW¼NW¼NW¼NE¼, S½N½NW¼NE¼, S½NW¼NE¼, SW¼NE¼, E½SW¼, E½SW¼SW¼;
Sec. 18, SW¼SE¼, W½SE¼SE¼, lying south and east of Colorado River;
Sec. 19, lots 1, 2, 3, 5, 6, NW¼NE¼, lying south and east of Colorado River, lots 7 to 16, inclusive, NE¼NE¼, S½NE¼, SE¼;
Sec. 30, lots 1, 2, 6 to 10, inclusive, 12 to 20, inclusive.

T. 3 N., R. 22 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½N½SW¼, N½SE¼, N½SE¼SE¼;
Sec. 10, lot 1;
Sec. 14, S½NW¼, SW¼;
Sec. 15, lots 7, 8, 9, 10, 11, 12, 15, SE¼SW¼NE¼NE¼, S½SE¼NE¼NE¼, S½SE¼;
Sec. 21, lots 2, 5, 6, 9, E½E½;
Sec. 22, lots 5, 6, 7, 10, 11, W½SW¼;
Sec. 27, lots 6, 7, 10, 11, W½;
Sec. 28, lots 6, 9, 10, 13, E½NE¼;
Sec. 33, lot 3;
Sec. 34, lots 9, 11, 12, 14.

T. 19 N., R. 22 W.,
Sec. 2, lots 3, 5, 6, 7, SE¼NW¼, E½SW¼, SW¼SW¼.

T. 20 N., R. 22 W.,
Sec. 12, lot 10;
Sec. 20, lots 5, 6, SW¼, W½SE¼.

T. 1 N., R. 23 W.,
Sec. 10, lots 3, 4;
Sec. 11, lots 2, 3, E½NW¼, SW¼;
Sec. 15, lots 5, 6, 7, 8, NE¼SE¼, S½SE¼;
Sec. 22, lot 1, NE¼NW¼, SW¼;
Sec. 33, SW¼SW¼.

T. 2 N., R. 23 W.,
Sec. 24, SE¼NE¼, SE¼, lying south and east of Colorado River;
Sec. 25, lots 5, 7, N½NE¼, lying south and east of Colorado River, lot 8, E½SW¼NE¼, SE¼NE¼, SE¼;
Sec. 35, lot 10, lying south and east of Colorado River, lots 4, 7, 8, 9, SE¼SE¼.
Sec. 36, lot 1, E½NW¼, SW¼NW¼, SW¼.

T. 1 S., R. 23 W.,
Sec. 6, NE¼SE¼, E½W½SE¼SE¼, E½SE¼SE¼;
Sec. 7, E½E½;
Sec. 18, NE¼NE¼.

The areas described aggregate approximatley 13,172 acres in La Paz, Mohave, and Yuma Counties.

2. Of the lands described in paragraph 1, the following lands have been patented and will not be open to the operation of the public land laws, including the mining laws:

T. 3 N., R. 21 W.,
Sec. 4, S½NW¼SW¼SE¼SW¼, SW¼SW¼SE¼SW¼, S½NE¼SE¼SW¼SW¼, SE¼SE¼SW¼SW¼;
Sec. 9, N½NW¼NW¼NE¼NW¼, N½NE¼NE¼NW¼NW¼.

T. 3 N., R. 22 W.,
Sec. 15, lot 10.

The areas described aggregate 41.06 acres in La Paz County.

3. At 10 a.m. on November 1, 1983, the public lands described as the NE¼NE¼, S½NE¼, SE¼ of Section 19, T. 2 N., R. 22 W., shall be open to the operation of the public land laws, generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 1, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on November 1, 1983, the public lands described in paragraph 3, shall be open to location under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Section 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State laws where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

5. All of the lands in paragraph 1, except those described in paragraphs 2 and 3 have been classified for State Selection purposes and will not be open to other appropriation under the public land laws, including the mining laws.

6. All of the lands in paragraph 1, except lot 10, sec. 15, T. 3 N., R. 22 W., have been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the public lands should be addressed to the Arizona State Director, Bureau of Land Management, U.S. Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 26, 1983.

[FR Doc. 83-26578 Filed 9-28-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 1, 2, 5, 6, 7, 9, 12, 57, 59, 60, 61, 62, 64, 66, 67, 70, 75, 76, 205, 300, 301, 304, 311, 312, 351

Technical Changes to Federal Emergency Management Agency Regulations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This document makes technical changes in sundry parts of the FEMA regulations to reflect organization changes, address changes, and similar nonsubstantive matters. These changes are needed to make the regulations current.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 287-0377.

SUPPLEMENTARY INFORMATION: This regulation makes corrections needed to update several FEMA regulations. It is nonsubstantive in nature and is basically internal management. Thus, notice and public comment are considered unnecessary and the rule can be made effective immediately.

List of Subjects

44 CFR Part 1

Administrative practice and procedure.

44 CFR Part 2

Authority delegations (government agencies), Organization and functions (government agencies).

44 CFR Part 5

Freedom of information.

44 CFR Part 6

Privacy.

44 CFR Part 7

Civil rights.

44 CFR Part 9

Floodplains, Wetlands, Coastal zones.

44 CFR Part 12

Advisory committees.

44 CFR Part 57

Civil disorders, Insurance.

44 CFR Part 59

Flood insurance, Floodplains.

44 CFR Part 60

Flood insurance, Floodplains.

44 CFR Part 61

Flood insurance.

44 CFR Part 62

Flood insurance, Claims.

44 CFR Part 64

Flood insurance, Floodplains.

44 CFR Part 66

Flood insurance, Floodplains, Intergovernmental relations.

44 CFR Part 67

Flood insurance, Floodplains.

44 CFR Part 70

Flood insurance, Floodplains.

44 CFR Part 75

Flood insurance, Floodplains.

44 CFR Part 76

Flood insurance, Grant programs/environmental protection.

44 CFR Part 205

Disaster assistance, Grant programs/housing and community development.

44 CFR Part 300

Disaster assistance, Grant programs/housing and community development, Technical assistance.

44 CFR Part 301

Civil defense, Grant programs/national defense.

44 CFR Part 304

Civil defense, Grant programs/national defense.

44 CFR Part 311

Civil defense, Government employees, Emergency mobilization.

44 CFR Part 312

Civil defense, Grant programs, National defense.

44 CFR Part 351

Hazardous materials transportation, Nuclear power plants and reactors, Radiation protection, Authority delegations, Government agencies.

Accordingly, Chapter 1 of Title 44, Code of Federal Regulations, is amended as follows:

PART 1—RULEMAKING; POLICY AND PROCEDURES

§ 1.5 [Amended]

1. Section 1.5(a) is amended by removing the words "Rules Docket Room" and adding "Office of General Counsel" in place thereof, and by removing the words "at the address shown in the heading" and adding "Office of General Counsel" in place thereof.

2. Section 1.11(f) is amended by revising it to read:

§ 1.11 Advance notice of proposed rulemaking.

* * * * *

(f) The time within which comments may be submitted to the Rules Docket Clerk, Federal Emergency Management Agency, Washington, DC 20472.

PART 2—ORGANIZATION FUNCTIONS AND DELEGATIONS OF AUTHORITY

§ 2.52 [Amended]

3. Section 2.52(a) is amended by removing the word "Part" and adding the word "Title" in its place.

§ 2.54 [Amended]

4. Section 2.54(a) is amended by removing the words "this part" and by adding the words "this chapter" in place thereof.

5. Section 2.69 is amended by adding a new paragraph (i) as follows:

§ 2.69 General Counsel (GC).

* * * * *

(i) The General Counsel is authorized to exercise the authorities of the Director to enter into ratification agreements at the direction of the Department of Justice in order to insure that the Federal Emergency Management Agency's subrogation interest will be represented.

PART 5—PRODUCTION OR DISCLOSURE OF INFORMATION

6. Section 5.26(a) is amended by revising it to read as follows:

§ 5.26 Rules for public inspection and copying.

(a) *Location.* Materials are available for public inspection and copying at the following locations:

(1) Headquarters:

Federal Center Plaza, 500 C Street, SW., Washington, DC 20472

(2) Regional Offices:

(i) Region I, J. W. McCormack Post Office & Courthouse, 442 Post Office Square, Boston, MA 02109.

(ii) Region II, Jacob J. Javits Federal Building, 26 Federal Plaza, Room 1349, New York, NY 10278.

(iii) Region III, Curtis Building, 7th Floor, 625 Walnut Street, Philadelphia, PA 19106.

(iv) Region IV, Pershing Point Plaza, Suite 664, 1375 Peachtree Street, NE., Atlanta, GA 30309.

(v) Region V, 300 S. Wacker Drive, 24th Floor, Chicago, IL 60606.

(vi) Region VI, Federal Regional Center, Room 206, Denton, TX 76201.

(vii) Region VII, Old Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

(viii) Region VIII, Federal Regional Center, Bldg. 710, Denver, CO 80225.

(ix) Region IX, Building 105, Presidio, San Francisco, CA 94129.

(x) Region X, Federal Regional Center, Bothell, WA 98011.

§ 5.41 [Amended

7. Section 5.41 is amended by removing the word "Officer" and adding the word "Offices" in place thereof any by removing the words "The U.S. Army Publication Center, 2800 Eastern Boulevard, Baltimore, MD 21220" and adding the words "FEMA P.O. Box 8181, Washington, DC 20024" in place thereof.

§ 5.46 [Amended]

8. Section 5.45 is amended by removing the words "Treasurer of the United States" and adding the words "Federal Emergency Management Agency" in place thereof.

§ 5.45 [Amended]

9. Section 5.46(a)(1) is amended by revising it to read:

* * * * *

(a) *Reproduction fees.* (1) There will be a minimum fee of $2.00 for each request for reproducing copies of FEMA records up to 6 pages and including material 8½ x 14 inches. The fee for each page is shown below:

Minimum fee first 6 copies $2.00
Forms per copy .10
Reports per page .10

* * * * *

§ 5.54 [Amended]

10. Section 5.54(a) is amended by revising it to read as follows:

(a) Each of the following officials within FEMA, any official designated to act for the official, or any official redelegated authority by such officials shall have the authority to make initial denials of requests for disclosure of records in his or her custody, and shall, in accordance with 5 U.S.C. 552(a)(6)(C) be the responsible official for denial of records under this Part.

(i) Deputy Director
(ii) Executive Deputy Director
(iii) Federal Insurance Administrator
(iv) Associate Directors
(v) Director, Emergency Operations
(vi) Executive Administrator
(vii) Office Directors
(viii) General Counsel
(ix) Inspector General
(x) Comptroller
(xi) Regional Directors

* * * * *

PART 6—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

11. Section 6.20 is amended by adding a new paragraph (l) as follows:

§ 6.20 Conditions of disclosure.

* * * * *

(l) To consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4).

12. Section 6.33(b) is amended by revising it to read:

§ 6.33 Denials of access.

* * * * *

(b) Upon receipt of a request for access to a record which the system manager believes is contained within an exempt system of records he or she shall forward the request to the appropriate official listed below or to his or her delegate through normal supervisory channels.

(i) Deputy Director
(ii) Executive Deputy Director
(iii) Federal Insurance Administrator
(iv) Associate Directors
(v) Director, Emergency Operations
(vi) Executive Administrator
(vii) Office Directors
(viii) General Counsel
(ix) Inspector General
(x) Comptroller
(xi) Regional Directors

The system manager shall append to the request an explanation of the determination that the requested record is contained within an exempt system of records and a recommendation that the request be denied or granted.

* * * * *

§ 6.70 [Amended]

13. Section 6.70(d) is amended by adding the word "of the Office of Management and Budget" after the words "Director."

PART 7—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS (FEMA REG 5)

§ 7.4 [Amended]

14. Section 7.4 is amended by removing the first sentence.

PART 9—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

§ 9.3 [Amended]

15. Section 9.3 is amended by removing the citation "(Pub. L. 92–234)" and adding the citation "(Pub. L. 93–234)" in its place.

§ 9.11 [Amended]

16. Section 9.11(e)(3)(i) is amended by removing the address "6430 Rockledge Drive, Bethesda, MD 20817, (800) 638–6620" and adding "9901–A George Palmer Highway, Lanham, MD 20706" in place thereof.

PART 12—ADVISORY COMMITTEES

§ 12.1 [Amended]

17. Section 12.1(a) is amended by removing the words "Office of Management and Budget Circular No. A–63" and adding the words "General Services Administration Regulation 41 CFR Part 101–6" in place thereof.

§ 12.5 [Amended]

18. Section 12.5(a) is amended by removing the words "Management Planning Officer" and adding the words "Chief, Staff Planning and Evaluation" in place thereof.

§ 12.16 [Amended]

19. Section 12.16(a) is amended by removing the words "Temporary Regulation B–1."

20. Section 12.16(b) is amended by removing "in accordance with OMB Circular A–63."

§ 12.19 [Amended]

21. Section 12.19(a) is amended by removing the words "Associate Director, Resource Management and Administration" and adding the word "Comptroller" in place thereof.

PART 57—STATE REIMBURSEMENT REQUIREMENT

§ 57.7 [Amended]

22. Section 57.7 is amended by removing the words "1725 I Street, NW."

PART 59—GENERAL PROVISIONS

§ 59.1 [Amended]

23. Section 59.1 is amended by removing the definitions of "Agreement", "Association", "Accounting period", "Affiliates", and "National Flood Insurers Association"; by removing "(a) from the citation at the end of the definition of mobile home"; by revising the definition of the term "Administrator" to read "*Administrator* means the Federal Insurance Administrator"; by inserting in proper alphabetical sequence a definition of "Associate Director" as follows: "*Associate Director* means the Associate Director, State and Local Programs, and Support"; by removing the words "subcontracts with the National Flood Insurers Association" in the definition of "serving company" and adding "contracts with the Federal Insurance Administration" in place thereof; by removing the words "Federal Insurance Administration" from the definition of "Map" and adding "Agency" in place thereof; by removing the words "only where authorized by the Administrator" from the definition of "second layer coverage"; and by removing the words "National Flood Insurers Association" from the definition of "Standard Flood Insurance Policy" and adding "Federal Insurance Administrator, or an insurer pursuant to an arrangement with the Administrator".

§ 59.3 [Amended]

24. Section 59.3 is amended by removing the words ", which under existing law extends to September 30, 1978".

§ 59.22 [Amended]

25. Section 59.22(a)(ii) is amended by adding the words "and the Associate Director" after the word "Administrator".

26. Section 59.22 is amended by removing the word "and" from paragraph (b)(2), and removing paragraph (b)(3) including the form, and inserting a period after the word "regulation" in paragraph (b)(2).

27. Section 59.22(c) is amended by removing the words "Federal Insurance Administration" and "1725 I Street, NW".

§ 59.24 [Amended]

28. Section 59.24(c) is amended by removing the first sentence and by removing the words "until the Association is subsequently notified by the Administrator of the date of the community's formal reinstatement" and by adding the following, as a first sentence: "The Administrator shall promptly notify the servicing agent and any insurers issuing flood insurance pursuant to an arrangement with the Administrator of those communities whose eligibility has been suspended.

PART 60—CRITERIA FOR LAND MANAGEMENT AND USE

§ 60.6 [Amended]

29. Section 60.6(b)(2) is amended by removing the second sentence and adding a new sentence in place thereof as follows: "The decision whether an Environmental Impact Statement or other environmental document will be prepared, will be made in accordance with the procedures set out in 44 CFR Part 10."

§ 60.25 [Amended]

30. Section 60.25(a)(17) is amended by adding the words "and the Associate Director" after the word "Administrator".

PART 61—INSURANCE COVERAGE AND RATES

§ 61.11 [Amended]

31. Section 61.11 (b) and (e) are amended by removing "P.O. Box 34294, Bethesda, Maryland 20034" and adding "P.O. Box 459, Lanham, Maryland 20706" in place thereof.

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

§ 62.3 [Amended]

32. Section 62.3(a) is amended by removing the words "designated by the Administrator" and adding the words "designated by the Associate Director" in place thereof.

33. Section 62.3(b) is amended by revising it to read:

* * * * *

(b) The following company has been contracted to act as a servicing agent for the Federal Insurance Administration: Computer Sciences Corporation, 9901-A George Palmer Highway, Lanham, Maryland 20706.

* * * * *

34. Section 62.3(d) is amended by revising it to read:

* * * * *

(d) Applications and premiums should be mailed to: National Flood Insurance Program, P.O. Box 459, Lanham, Maryland 20706.

§ 62.4 [Amended]

35. Section 62.4(a) is amended by removing the title "Administrator" and adding "Associate Director" in its place and by removing the words ", the Agreement".

PART 64—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

§ 64.1 [Amended]

36. Section 64.1(b) is amended by removing the words "for a period ending September 30, 1978.".

§ 64.3 [Amended]

37. Section 64.3(c)(3) is amended by removing the subparagraph and reserving the number.

38. Section 64.3(c)(4) is amended by removing the acronym "FIA" and adding the acronym "FEMA" in lieu thereof.

PART 66—CONSULTATION WITH LOCAL OFFICIALS

§ 66.3 [Amended]

39. Section 66.3(0) is amended by removing the words "Federal Insurance Administration" and adding the word "Agency" in place thereof.

PART 67—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

§ 67.12 [Amended]

40. Section 67.12(b) is amended by removing the word "Director" and adding the words "Associate Director" in place thereof.

PART 70—PROCEDURE FOR MAP CORRECTION

§ 70.3 [Amended]

41. Section 70.3(b)(2) is amended by removing "Federal Insurance Administration" and adding the words "Federal Emergency Management Agency" in place thereof.

§ 70.6 [Amended]

42. Section 70.6 is amended by removing and reserving paragraph (e).

43. Section 70.6(f) is amended by removing the words "Federal Insurance Administration" and adding the word "Agency" in place thereof.

§ 70.7 [Amended]

44. Section 70.7(b) is removed and reserved.

PART 75—EXEMPTION OF STATE-OWNED PROPERTIES UNDER SELF-INSURANCE PLAN

§§ 75.1, 75.10, 75.11, 75.13 [Amended]

45. 44 CFR Part 75 is amended by removing the words "areas identified by the Administrator as" and by adding the words "areas identified by the Associate Director as" in place thereof in the following sections: §§ 75.1, 75.10, 75.11(a)(4) (twice) and 75.13(c).

46. Section 75.14 is amended by revising it to read:

§ 75.14 States exempt under this part.

The following States have submitted applications and adequate supporting documentation and have been determined by the Administrator to be exempt from the requirement of flood insurance on State-owned structures and their contents because they have in effect adequate State plans of self-insurance: Florida, Georgia, Iowa, Maine, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, and Vermont.

PART 76—STATE ASSISTANCE PROGRAM FOR THE NATIONAL FLOOD INSURANCE PROGRAM

§ 76.6 [Amended]

47. Section 76.6(c) is amended by removing the words "Federal Insurance Administration" and adding the word "Agency" in its place.

PART 205—FEDERAL DISASTER ASSISTANCE

§ 205.75 [Amended]

48. Section 205.75(a)(11)(ii) is amended by adding the words "Part 205" before the words "Subpart M".

§ 205.76 [Amended]

49. Section 205.76(a)(28) is amended by removing the words "of this" and adding "of his or her" in place thereof.

50. Section 205.76(a)(29) is amended by removing "74-4" and adding "A-87" in place thereof.

PART 300—DISASTER PREPAREDNESS ASSISTANCE

§ 300.5 [Amended]

51. Section 300.5(i) is amended by removing the words "GSA Federal Management Circular No. 74-4, Cost principles applicable to grants and contracts with State and local governments (issued July 18, 1974)" and adding "Office of Management and Budget (OMB) circular A-87, Cost principles applicable to grants and contracts with State and local governments" in place thereof.

52. Section 300.5(i)(4) is amended by removing the words "The addition of new work projects may require further A-95 clearance."

§ 300.6 [Amended]

53. Section 300.6(b) is amended by removing the words "set forth in 41 CFR 49-1.50".

PART 301—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

§ 301.2 [Amended]

54. Section 301.2(a) is amended by removing the citation (50 U.S.C. App. 2281-2297) and adding the citation (50 U.S.C. App. 2251 *et seq.*) in place thereof.

55. Section 301.2(b) is amended by removing the words "FMC 74-4 (41 CFR Subpart 1-15.7)" and adding "OMB Circular A-87" in place thereof.

56. Section 301.2(d) is amended by removing "as provided in 32 CFR 1800.20 (42 FR 34880).".

§ 301.3 [Amended]

57. Section 301.3(a) is amended by removing the words "FMC 74-4 (41 CFR Subpart 1-15.7)" and adding "OMB Circular A-87.".

PART 304—CONSOLIDATED GRANTS TO INSULAR AREAS

§ 304.2 [Amended]

58. Section 304.2(c) is amended by removing the words "Subchapter E".

PART 311—FEDERAL EMPLOYEE EMERGENCY IDENTIFICATION CARD

§ 311.4 [Amended]

59. The list of agencies in § 311.4 is amended by removing "Community Services Administration"; by removing "International Communication Agency" and adding "United States Information Agency" in proper alphabetical sequence; by removing "Council on Wage and Price Stability"; by removing "Domestic Affairs and Policy Staff" and adding "Office of Policy Development" in proper alphabetical sequence and by removing "Special Representation for Trade Negotiations" and adding "Office of the United States Trade Representative" in proper alphabetical sequence.

§ 311.6 [Amended]

60. Section 311.6(c) is amended by removing the words "Office of Plans and Preparedness" and adding the words "National Preparedness Programs Directorate and to Emergency Operations."

61. Section 311.6(d) is amended by removing the words "National Preparedness Programs Directorate" and adding "Emergency Operations" in place thereof.

PART 312—USE OF CIVIL DEFENSE PERSONNEL, MATERIALS AND FACILITIES FOR NATIONAL DISASTER PURPOSES

§ 312.2 [Amended]

62. Section 312.2(h) is amended by removing the words "as provided in 44 CFR 310.20".

PART 351—RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

§ 351.3 [Amended]

63. Section 351.3(a) is amended by removing the word "proposed" and by removing the parenthetic phase "(45 FR 42341)".

(Reorganization Plan No. 3 of 1978, Executive Order 12127 and Executive Order 12148).

Dated: September 22, 1983.

Jeffrey S. Bragg,

Executive Deputy Director.

[FR Doc. 83-26374 Filed 9-28-83; 8:46 am]

BILLING CODE 6718-01-M

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44 CFR Part 2

Organization, Functions, and Delegations of Authority; Federal Insurance Administrator

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This document delegates to the Federal Insurance Administrator the function of being sued under the National Flood Insurance Act, and the function of sue and be sued under the Urban Property Protection and Reinsurance Act of 1968. The function has heretofore been reserved to the Director, FEMA.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: George W. Jett, General Counsel, Federal Emergency Management Agency, Room 840, 500 C Street, SW, Washington, DC 20472, (202) 287-0370.

SUPPLEMENTARY INFORMATION: Under present delegations of authority, the functions of being sued under the National Flood Insurance Program, the Federal Crime Insurance Program, and the Riot Reinsurance Program have been retained by the Director, FEMA. It is now desired to delegate the functions to the Federal Insurance Administrator so that he/she can become the named defendant and signed interrogatories in law suits brought under the programs.

This rule relates to internal management and is not a substantive rule. Hence, notice and public comment are unnecessary and the rule can be made effective immediately.

This is not a major rule nor does it affect a substantial number of small entities. Hence, no regulatory flexibility analysis has been prepared.

List of Subjects in 44 CFR Part 2

Authority delegations (Government Agencies), Organization and functions (Government Agencies).

PART 2—[AMENDED]

Accordingly, Part 2 of Title 44, Code of Federal Regulations, is amended as follows:

§ 2.52 [Amended]

1. Section 2.52 is amended by removing paragraphs (b)(5) and (b)(7) and reserving the paragraph numbers.

2. Section 2.64 is amended by adding the following paragraphs (f) and (g).

§ 2.64 Federal Insurance Administration (FIA).

* * * * *

(f) Authority to sue and be sued under section 402(c)(3) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(3)) applicable under section 1247 of the National Housing Act (12 U.S.C. 1749bbb-17).

(g) Authority to be sued under section 1341 of the National Flood Insurance Act (42 U.S.C. 4072).

(Reorganization Plan No. 3; E.O. 12127)

Dated: September 22, 1983.

Louis O. Giuffrida,

Director.

[FR Doc. 83-26371 Filed 9-28-83; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 11

Collection of Claims by the Government Under the Debt Collection Acts

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule sets forth procedures for collection of debts due the United States under programs administered by FEMA and also establishes standards for compromise and waiver of such debts. The regulation is needed to implement the provisions of the Debt Collection Act of 1982 (Pub. L. 97-365) and previously existing Federal claims collection statutes (31 U.S.C. 3711 *et seq.*)

DATE: Effective October 28, 1983.

FOR FURTHER INFORMATION CONTACT: George W. Watson, Associate General Counsel, Telephone (202) 287-0376.

SUPPLEMENTARY INFORMATION: Proposed rule was published on June 17, 1983 at 48 FR 27791. No comments concerning the proposed rule were received from the general public. However, as the result of FEMA comments certain minor changes are made, as described below:

Section 11.33 is amended to require each FEMA regional office to appoint a claims collection officer.

Section 11.34(a)(1) and 11.50(a)(6) are amended to permit the Agency Claims Officer to make decisions on claims collection after consultation with the General Counsel.

Section 11.41(a) is amended to allow the FEMA Director to waive suspension or revocation of eligibility for grants to delinquent debtors in disaster programs administered by FEMA. The waiver may be either whole or partial.

Section 11.43(c) is amended to eliminate the requirement that the officer making the review within the Agency must secure the concurrence of the Agency Claims Officer before rendering his/her decision. This elimination ensures independence of the reviewing official.

An environmental assessment is not necessary as this rule is procedural and has no effect on the quality of the human environment. The rule is not a major rule as defined in Section 1(b) of Executive Order 12291, nor will it have a significant, economic impact on a substantial number of small entities. Hence, regulatory impact analyses are not necessary. Sections 11.36 and 11.52–11.54 contain collection of information requirements which have been submitted, to the Office of Management and Budget under Section 3504(h) of the Paper Work Reduction Act.

List of Subjects in 44 CFR Part 11

Administrative practice and procedure, Claims.

Accordingly, Title 44 CFR Chapter 1, Subpart C is amended by revising the Table of Contents for Subpart C and by revising Subpart C to read as follows:

PART 11—CLAIMS

* * * * *

Subpart C—Collection of Claims by the Government Under the Debt Collection Act of 1982

Sec.

Authority: 31 U.S.C. 3711 *et seq.*

§ 11.30 Scope of regulations.

(a) *Scope.* This regulation implements policies and procedures used by the Director of the Federal Emergency Management Agency (the Agency or FEMA) to effectuate collections under the Debt Collection Act of 1982 (31 U.S.C. 3711 *et seq.*) (the Act). The Act requires the Director or his designee to: (1) attempt collection of all claims of the United States for money or property arising out of activities of the Agency and (2) authorizes the Director or his designee, for claims not exceeding $20,000 exclusive of interest, to compromise such claims or to suspend or terminate collection action where it appears that no person is liable on such claim or has the present or prospective financial ability to pay a significant sum thereon or that the cost of collecting such claim is likely to exceed the amount of recovery.

(b) *Definitions.* For purposes of this subpart, "office" means one of the following: (1) Training & Fire Programs Directorate, (2) Emergency Operations (3) Federal Insurance Administration, (4) National Preparedness Programs Directorate, (5) State & Local Programs & Support Directorate, (6) Resource Management & Administration Directorate, (7) Office of Regional Operations, and (8) Office of Comptroller

§ 11.31 Adoption of joint standards.

All administrative actions to collect claims arising out of activities of the Agency shall be performed in accordance with the applicable standards prescribed either in 4 CFR Parts 101 through 105 or any standards promulgated jointly by the Attorney General and the Comptroller General. Such standards are adopted as a part of this subpart and are supplemented in this subpart. Additional guidance will be found in the GAO Policy & Procedures Manual for Guidance of Federal Agencies and in the Treasury Fiscal Requirements Manual.

§ 11.32 Subdivision and joining of claims.

(a) A debtor's liability arising from a particular transaction or contract shall be considered as a single claim in determining whether the claim is one not exceeding $20,000 exclusive of interest for the purpose of compromise or termination of collection action. Such a claim may not be subdivided to avoid the monetary ceiling established by the Act.

(b) Joining of two or more single claims in a demand upon a particular debtor for payment totaling more than $20,000 does not preclude compromise or termination of collection action with respect to any one of such claims that does not exceed $20,000 exclusive of interest.

§ 11.33 Authority of offices to attempt collection of claims.

The head of each office and each regional director shall designate a claims collection officer who shall attempt to collect in full all claims of the Agency for money or property arising out of the activities of such office. Each claims collection officer shall establish and currently maintain a file with regard to each claim for which collection activities are undertaken. Insofar as it is feasible, claims collection personnel shall have personal interviews or telephone contact with the debtor.

§ 11.34 Referral of claims to the Comptroller, Federal Emergency Management Agency.

(a) *Authority of the Comptroller, Federal Emergency Management Agency.* (1) The Comptroller, Federal Emergency Management Agency, is designated the Agency Claims Officer and shall exercise the powers and perform the duties of the Director to compromise, or to suspend or terminate collection action, after consultation with the Office of General Counsel, on all Agency claims not exceeding $20,000 exclusive of interest, except as provided in § 11.35 and paragraph (b) of this section. In addition, the Comptroller is delegated all authority which may be exercised by the Director, Federal Emergency Management Agency, in related to:

(i) Disclosure to a consumer reporting agency in accordance with 31 U.S.C. 3711(f).

(ii) Instituting salary offset procedures in accordance with 5 U.S.C. 5514(a).

(iii) Instituting administrative offset procedures in accordance with 31 U.S.C. 3716.

(iv) Charging of interest and penalties in accordance with 31 U.S.C. 3717.

(v) Entering into contracts for collection of claims in accordance with 31 U.S.C. 3718, except that the execution and administration of such contracts is delegated to Federal Emergency Management Agency contracting officers appointed under provisions of 41 CFR subpart 1-1.4.

(vi) Prescribe claims collection procedures and manage claims collection activities within the Agency.

(2) When initial attempts at collection by the office originating such claim have not been fully successful, the claim file shall be forwarded to the Agency Claims Officer for further administrative collection procedures. Claims shall be

referred to the Agency Claims Officer well within the applicable statute of limitations (28 U.S.C. 2415 and 2416).

(b) *Exclusions*. There shall be no compromised or terminated collection action with respect to any claim: (1) As to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim; (2) based in whole or in part on conduct in violation of the anti-trust laws; (3) based on tax statutes; or (4) arising from an exception made by the General Accounting Office in the account of an accountable officer. Such claim shall be promptly referred to the Justice Department, or GAO, as appropriate, after the Agency Claims Officer has consulted with the Inspector General and the Office of General Counsel.

§ 11.35 Authority of offices to compromise claims or suspend or terminate collection action.

Where it appears that the cost of collecting a claim of less than $600 will exceed the amount of recovery, the claims collection officer is authorized to compromise the claim or to terminate collection action.

§ 11.36 Claims files.

Each claims collection officer is responsible for obtaining current credit data about each person against whom a claim is pending in his office. The files shall be kept up-to-date by the Agency Claims Officer for claims referred to the Agency Claims Officer for collection. Such credit data may take the form of: (a) A commercial credit report, showing the debtor's assets and liabilities and his income and expenses, (b) the individual debtor's own financial statement, executed under penalty of perjury, reflecting his assets and liabilities and his income and expenses, or (c) an audited balance sheet of a corporate debtor. The file should also contain a checklist or brief summary of action taken to collect or compromise a claim. All claims files relating to claims against individuals are to be safeguarded in accordance with 5 U.S.C. 552a, popularly known as the "Privacy Act of 1974;" 31 U.S.C. 3711 *et seq.*, popularly known as the "Debt Collection Act of 1982;" 44 CFR Part 6 and this subpart.

(Approved by the Office of Management and Budget under Control No. 3067-0122)

§ 11.37 Quarterly report of collection action.

The Agency Claims Officer shall make a quarterly report to the Director and to all offices that have referred claims for collection. The report should contain the following information as a minimum:

(a) All outstanding claims referred to the Agency Claims Officer for administrative collection, including the name and address of the debtor, the amount of the claim, the date the claim accrued, the basis of the claim, the office referring the claim, and the current program of collection activities.

(b) All claims referred to the Office of General Counsel for legal guidance.

(c) All claims compromised or on which collection has been suspended or terminated or referred to the General Accounting Office of the Department of Justice for further collection action during the quarter. The collection action taken and the basis for the action should be indicated.

(d) All claims referred to the Department of Justice under § 11.55 of this Part.

(e) Claims returned to this Agency by the Justice Department for further collection action because handling by the Department of Justice was not warranted.

§ 11.38 Annual reports to the Director, Office of Management and Budget, and the Secretary of the Treasury.

(a) The Agency Claims Officer shall gather data on loans, accounts receivable, and claims which are required by 31 U.S.C. 3719 and shall transmit them to the Director, Federal Emergency Management Agency. Such data shall include:

(1) The total amount of loans and accounts receivable owed to the Agency and when the funds owed to the Agency are due to be repaid;

(2) The total amount of receivables and number of claims that are at least thirty days past due;

(3) Total amount written off as uncollectable, actual, and allowed for;

(4) The rate of interest charged for overdue debts and the amount of interest charged and collected on debts;

(5) The total number of claims and total amount collected;

(6) The number of claims and the total amount of claims referred to the Department of Justice for settlement or collection and the total number of claims and the total amount of claims settled or collected by that Department;

(7) For each program or activity administered by the Agency, the data described in paragraphs (a)(1) through (6) of this subsection; and

(8) Such other data as the Director, Office of Management and Budget, shall prescribe by regulations issued under authority of 31 U.S.C. 3719.

(b) Data described in paragraph (a) of this section shall be collected on a calendar year basis and transmitted to the Director, Federal Emergency Management Agency not later than the end of January of the year following the year for which the data described in subsection (a) above, were collected. The Director, Federal Emergency Management Agency, shall report these data to the Secretary of the Treasury and the Director, Office of Management and Budget in accordance with 31 U.S.C. 3719. If the Secretary of the Treasury and the Director, Office of Management and Budget prescribe, by regulation, a different annual reporting cycle, the Agency's reporting cycle, described in the first sentence of this subsection shall be changed to conform with the cycle prescribed by the Department of the Treasury and Office of Management and Budget regulation.

§ 11.39 Accounting control.

Each office shall process all claims collections through the Agency Claims Officer and report the collection, compromise, suspension, and termination of all claims to that Officer for recording.

§ 11.40 Record retention.

The file of each claim on which administrative collection action has been completed shall be retained by the appropriate officer not less than 1 year after the applicable statute of limitations has run.

§ 11.41 Suspension or revocation of eligibility.

(a) Where a contractor, grantee, or other participant in programs sponsored by the Agency fails to pay his debts to the Agency within a reasonable time after demand, the fact shall be reported by the Agency Claims Officer to the Inspector General and to the Acquisition Management Division, which shall place such defaulting participant's name on the Agency's list of debarred, suspended and ineligible contractors and grantees. The participant will be so advised. Suspension or revocation of eligibility may be waived in whole or in part in the case of grants for disaster programs administered by FEMA, if the Director so directs.

(b) The failure of any surety to honor its obligations in accordance with 6 U.S.C. 11 is to be reported at once to the Agency Claims Officer, who shall so advise the Treasury Department. That Department will notify this Agency when a surety's certificate of authority to do business with the Government has been revoked or forfeited.

§ 11.42 Demand for payment of claims.

(a) *Initial demand.* An initial demand shall be made in writing and sent by certified mail, return receipt requested, to the debtor identifying the claim, and advising that the full amount due should be paid by a specified due date, not less than 30 days from mailing of the demand. If the debtor is other than a State or local government or an agency of the United States, the initial demand notice shall also advise the debtor that interest, calculated at rates provided by 31 U.S.C. 3717(a), shall be assessed if the claim is not paid in full by the due date. Interest shall be charged on the outstanding balance due at the rate prescribed by the Secretary of the Treasury in accordance with 31 U.S.C. 3717(a), beginning on the date that the notice was mailed to the debtor. The debtor shall also be advised that if any portion of the debt remains unpaid 90 days after the due date, then additional penalties prescribed in 31 U.S.C. 3717(e)(2) of 6 per centum per annum shall be charged on the unpaid balance.

(b) *Subsequent demands.* If the debt is not paid by the due date or if a repayment program, acceptable to the Agency Claims Officer, has not been arranged with the debtor, then an initial demand shall be made followed by two progressively stronger written demands at not more than 30 days intervals, will be made unless a response to the initial or subsequent demands indicates that further demands would be futile and that the debtor's response does not require rebuttal.

(c) *Claims arising from contracts executed on or before October 25, 1982.* If the claim arises from a contract executed before October 25, 1982, then the initial and subsequent demands shall mention nothing about the imposition of penalties or interest, prior to rendering of judgment by a court of competent jurisdiction.

(d) *Waiver of Subsequent Written Demands.* If there is valid reason, the sending of second and third demand letters may be waived. Such reasons may include, but are not to be limited to, statute of limitations being about to run.

§ 11.43 Collection from non-Government entities by administrative offset.

(a) *General.* The Agency Collection Officer may effectuate collection of debts owed by persons or entities, other than Federal agencies or State or local governments, by means of offsets against monies due from the United States under provisions of 31 U.S.C. 3716 and the procedures set forth below. The procedures, prescribed by this subsection, shall not be used if the debtor has executed a written agreement, satisfactory to the Agency Claims Officer, for the payment of the debt so long as the debtor adheres to the provisions of the agreement. Before utilizing the procedures of this section, the Agency Claims Officer, or his designee, shall examine the debt to see whether the likelihood of collecting such a debt and the best interests of the United States justify the use of administrative offset. If the debt is over 6 years old but is not 10 years old, the Agency Claims Officer shall examine the debt and decide whether utilizing these procedures is cost effective. Further, administrative offset procedures shall not be used on debts over six years after they arise unless the facts material to the debt were not previously known to the Government and could not have been reasonably discovered by the officials responsible for collecting the debt.

(b) *Written notice.* After the Agency Claims Officer or his designee has examined the debt under procedures set forth in paragraph (a) above, a notice shall be sent by certified mail, return receipt requested, to the debtor advising him of:

(1) Nature and amount of the debt determined by the Agency to be due, and of intention to collect by administrative offset,

(2) Rights available under this section,

(3) Opportunity to inspect and copy the records relating to the debt,

(4) Opportunity for review within the Agency with respect to the debt, and

(5) Opportunity to enter into an agreement with the Agency Claims Officer with respect to the debt. Such agreement may include voluntary but nonrevocable withholding of monies due from the United States to the debtor.

(c) *Review within the Agency.* The debtor may request, within fifteen calendar days after receipt of the written notice specified in paragraph (b) above, review within the Agency as to the existence or amount of the debt or terms of repayment. The review shall be conducted by a member of the staff of the Office of General Counsel not involved in collection of debts under the Agency program which gave rise to the debt. The staff member, with the concurrence of the Agency Claims Officer, may determine that no debt is due, the amount of the debts should be reduced, that terms of repayment should be set, or that the demanded amount should be paid in full. The staff member may negotiate with the debtor concerning a written agreement for the repayment of the debt. However, such agreement shall be subject to approval by the Agency Claims Officer.

(d) If no written agreement is executed; if the debtor does not request review within the Agency, or if the review within the Agency determines that a debt is due, then administrative offset against monies payable by the United States shall be effectuated in accordance with appropriate regulations. Efforts shall be made to coordinate offset collections with other agencies, including use of the Army Holdup List. However, if a statute either prohibits or explicitly provides for collection through administrative offset of the debt or that type of debt involved then the provisions of that statute rather than the provisions of this section shall be used for such offset.

(e) If the debtor has a judgment against the United States, then notice shall be provided to the General Accounting Office for offset in accordance with 31 U.S.C. 3728.

§ 11.44 Collection of claims against Federal agencies or State or local government by administrative offset.

Claims against Federal agencies and against State or local goverments may be collected from monies due from the United States to the agency or government utilizing offset principles of common law. See *U.S. v. Munsey Trust Co.*, 332 U.S. 234 (1947). Prior to utilizing this procedure for collection, the Agency Claims Officer shall notify the debtor agency or State or local government of the nature of the claim, the amount due and of the Agency's intent to collect interest on unpaid balances due. Interest shall accumulate at rates prescribed by the Department of the Treasury pursuant to 31 U.S.C. 3717(a). The notice shall also advise the debtor Federal agency or State or local government of the right to inspect and copy records relating to the claim and shall give the name, business address and telephone number of the official having cognizance over the claim. A bill for collection shall be sent to the Federal agency or to the State or local government.

§ 11.45 Collection by salary offset.

(a) *General.* Where an individual is an employee of the Federal Government or a member of the Armed Forces or a reserve component of the Armed Forces or is receiving retired or retainer pay for service as a Federal employee and where the individual is indebted to the United States under programs administered by the Agency and where the individual fails to satisfy his indebtedness voluntarily after the Agency has made demands in accordance with § 11.42 above, the Agency Claims Officer may institute collection action by salary or pay offset procedures.

(b) *Notice of debtor.* At least 30 days prior to initiating salary offset, the Agency claims collection officer or his designee shall send notice by certified mail, return receipt requested, to the debtor advising him of:

(1) Nature and amount of indebtedness determined by the Agency to be due, the date that the debt was due, and a statement that FEMA has complied with applicable statutes, regulations and procedures.

(2) Agency intention to initiate proceedings to collect the debt by deductions from pay.

(3) Rights available under 5 U.S.C. 5514(a).

(4) Debtor's opportunity to inspect and copy Government records relating to the debt.

(5) Opportunity to enter into a written agreement under terms satisfactory to the Agency Claims Officer, to establish terms for the repayment of the debt, and

(6) Opportunity for a hearing, described in paragraph (c) below, concerning the existence or the amount of the debt or, if no repayment schedule has been established (in accordance with paragraph (b)(1) above) concerning the terms of the repayment schedule.

(c) *Hearing.* The debtor shall file a petition for hearing on or before the fifteenth day after receipt of notice, referred to in paragraph (b) above, addressed to the Agency Claims Officer, Federal Emergency Managment Agency, Washington, D.C. 20472. The postmark or receipt date, if the mail is not used, shall establish the date of petition.

(1) The hearing official shall be a person of grade GM–14 or higher, not under the supervision or control of the Director, Federal Emergency Management Agency. The Director may enter into interagency support agreements with other Federal agencies or departments for providing hearing officials.

(2) The hearing shall be informal but the debtor shall be given the basic safeguards of due process. The debtor shall have the right to be represented by an attorney. A summary record shall be made of the proceedings at the hearing. The hearing shall, insofar as possible, be conducted at a location and time convenient to the debtor.

(3) As soon as practicable, but in no event later than 60 days after the filing of the petition for hearing, the hearing official shall render a final decision. If a hearing is requested, no further action shall be taken to collect the debt until the final decision is rendered.

(d) *Amount deducted.* The amount deducted from pay for any period shall not exceed 15 percent of disposal pay. However, the debtor may voluntarily agree to the deduction of a greater amount of pay. Disposable pay means that part of pay of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

§ 11.46 Liquidation of collateral.

Where the Agency holds security or collateral thay may be liquidated and the proceeds applied on debts due it through the exercise of a power of sale in the security instrument or a nonjudicial foreclosure, such procedures should be followed if the debtor fails to pay his debt within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or special circumstances require judicial foreclosure.

§ 11.47 Collection in installments.

Claims with accrued interest and penalties should be collected in full in one lump sum whenever this is possible. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment with applicable interest may be accepted in regular installments in accordance with a written agreement approved by the Agency Claims Officer or his designee. If possible, installment payments shall be sufficiently large to complete collection in the three years. Installment payments should not be less than $25.00 per month. The Agency may require the debtor to execute a confess-judgment, negotiable note for the amount of the indebtedness.

§ 11.48 Interest and penalties.

(a) *Interest.* Interest shall be charged on the outstanding balance due on claims at the rate published by the Secretary of the Treasury under provisions of 31 U.S.C. 3717(a). The interest rate in effect at the time that the claim becomes due shall be the rate charged throughout the duration of the claim until the claim is paid in full. The interest shall run from following dates:

(1) If the initial demand for the claim was mailed on or after October 25, 1982, then the date of mailing to the debtor (using the most current address available to the Agency Claims Officer) or

(2) If the initial demand for the claim was mailed before October 25, 1982, then from the date that a demand letter was mailed after October 25, 1982.

(b) *Exceptions to interest charges.* However, no interest, described in subsection (a) above, shall be charged if:

(1) the amount due is paid within 30 days of the mailing of the demand. However, the Agency Claims Officer for good cause, as documented by a memorandum, in the claims file, may extend this 30 day period, or

(2) the applicable statute, regulation required by statute, loan agreement or contract either prohibit the charging of interest of explicitly fix interest or charges which apply to the claim involved.

(c) *Penalty charges.* Except in the situations described in paragraph (b) of this section, a penalty charge of 6 per centum per annum shall be charged on the unpaid portion of a claim which remains unpaid 90 days after the date described in subsection (a) above, if no repayment schedule has been agreed upon by FEMA and the debtor.

(d) *Processing and handling costs for delinquent claims.* The debtor shall also pay the extraordinary costs of processing delinquent claims. Extraordinary costs are deemed to include, but not be limited to, costs of employing commercial firms to locate the debtor; costs, not to exceed one-third of the debt due, of employing contractors for collection services; costs of selling collateral or property to satisfy the debt, etc.

(e) *Standards for waiver of interest, penalties and charges.* Interest, penalties and delinquent claims charges may be waived, either in whole or in part, if the Agency Claims Officer or his designee finds that: (1) The debtor is financially unable to pay, (2) the Agency's enforcement policy will be adequately served if there is a waiver in whole or in part or (3) the debtor has shown good cause, satisfactory to the Agency Claims Officer, that the claim was not timely paid. If waiver is granted, the administrative claims file shall be adequately documented.

(1) The Agency Claims Officer, with the concurrence of the General Counsel, may waive interest, penalties and administrative costs based on criteria set forth in paragraphs (e)(2) through (4) of this section. When such charges are waived, the Agency Claims Officer shall prepare a memorandum for the file stating the reasons for not collecting such charges.

(2) If the costs of collection exceed the projected recovery then interest, penalties and administrative costs may be waived.

(3) If the debtor has a *bona fide* dispute as to facts or has raised valid legal issues, then charges may be waived.

(4) If the debtor is unable to pay, as shown by complete and sworn

statements as to his assets and projected income, then charges may be waived.

(f) *Nonapplicability.* The provisions of this section do not apply to debts and claims owed by Federal agencies and State and local governments. Interest on such debts and claims owed by such entities shall be charged in accordance with applicable statute or, if nonexistent, then in accordance with principles of common law.

(g) When a debt is paid in installments, the payments shall first be applied to collection charges and penalty charges, second to accrued interest and third to outstanding principal.

§ 11.49 Omission not a defense.

Failure to comply with any standard prescribed in 4 CFR Chapter II, or in this subpart shall not be available as a defense to any debtor.

§ 11.50 Standards for compromise of claims.

(a) *Compromise.* A claim may be compromised: (1) If the debtor is not able to pay the full amount within a reasonable period of time; (2) if the debtor refuses to pay the claim in full and the Agency is unable to enforce collection within a reasonable time by enforced collection proceeding; (3) if there is real doubt concerning the Agency's ability to prove its case in court for the full amount claimed; (4) if the cost of collecting the claim does not justify the enforced collection of the full amount; (5) if, in connection with statutory penalties or forfeitures established as an aid to enforcement and to compel compliance, the Agency's enforcement policy will be adequately served by acceptance of the sum to be agreed upon; or (6) for other reasons deemed valid by the Agency Claims Officer after consultation with the General Counsel.

(1) Inability to pay. If a debtor is unable to pay the full amount of the claim within a reasonable time or if the debtor refuses to pay and the Government is unable to collect the amount of the debt through enforced proceedings then the Agency may compromise the claim either in whole or in part. The Agency Claims Officer may require that the debtor provide sworn information as to assets, actual or potential sources of income, liabilities and other financial data.

(2) Compromises payable in installements will not normally be permitted by the Agency.

(3) Litigative probabilities. If there is a *bona fide* dispute as to facts or if there is a valid legal defense raised which may limit or eliminate the possibility of recovery, then the Agency Claims Officer may, after receiving a legal analysis from the General Counsel, compromise the action in whole or in part.

(b) *Documentary evidence of compromise.* No compromise of a claim shall be final or binding on the Agency unless it is in writing and signed by the appropriate officer who has authority to compromise the claim pursuant to this subpart.

§ 11.51 Standards for suspension or termination of collection action.

(a) *Suspension of collection action.* Collection action shall be suspended temporarily on a claim when the debtor cannot be located after diligent effort but there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim, making consideration for its size and the amount which may be realized. Collection action may be suspended temporarily on a claim when the debtor owns no substantial equity in realty and is presently unable to make payment on the Agency's claim or effect a compromise, but his future prospect justify retention of the claim for periodic review and action, and, (1) the applicable statute of limitations has been tolled or started anew, or (2) future collection can be effected by offset notwithstanding the statute of limitations. Suspension as to a particular debtor should not defer the early liquidation of security for the debt. Standards prescribed in 4 CFR Part 104 shall be used in making determinations as to suspension as termination of collection efforts.

(1) No substantial recovery possible. If, at the time that collection is attempted, debtor is without assets or actual or potential income or if the debtor may have exemptions under the bankruptcy laws which make enforced collection of the debt not cost-effective, then collection action may be suspend. However, interest and other charges will accumulate unless waived.

(2) Debtor cannot be located. If the debtor cannot be located or is outside the United States, then collection action may be suspended until the debtor is located. The statute of limitations will be tolled during those periods that the debtor is outside the United States.

(b) *Termination of collection action.* Collection action may be terminated and the Agency file closed for the following reasons: (1) No substatial amount can be collected; (2) the debtor cannot be located; (3) the cost will exceed recovery; (4) the claim is legally without merit; or (5) the claim cannot be substantiated by evidence.

(1) No substantial recovery possible. If there is little likelihood that collection efforts will result in any substantial recovery, then collection efforts may be terminated. Costs of recovery may be a factor in determining whether any recovery would be substantial. Normally, costs of recovery would be more important in cases of small debts than in cases of large ones.

(2) Debtor cannot be located. Every effort, including, but not limited to, use of governmental records, Internal Revenue Service taxpayer information, private contractor skip tracer and credit agencies, shall be made to locate debtors in advance of the running of the statute of limitations. If the debtor cannot be located, then the Agency Claims Officer may determine, with the concurrence of the General Counsel, that collection efforts may be terminated.

(3) Litigative possibilities. The criteria and procedures of section 11.50(a)(3) of this subpart may be used to terminate collection efforts if it appears unlikely that the Government would prevail if it were to litigate collection of the debt.

(c) *Enforcement Policy.* Statutory penalties and forfeitures are used as an aid to secure compliance with FEMA requirements and to compel payment. These may be waived if the Agency's enforcement policy in terms of securing payment and securing compliance with FEMA regulations would be served by accepting a sum agreed upon. Mere accidental or technical violations will be dealt with less severely than willful or substantial violations.

§ 11.52 Referral of delinquent debtors to consumer reporting agencies.

(a) *General.* This section implements 31 U.S.C. 3711(f) concerning reporting of debtors having overdue debts to consumer reporting agencies.

(b) *Procedures.* When a Claim is unpaid for 120 days after the initial demand letter has been sent and where the debtor has not repaid the claim nor has the debtor entered into an agreement for repayment satisfactory to the Agency Claims Officer or his designee, or the claim is not subject to administrative offset (as described in § 11.43, above), the Agency Claims Officer may report the claim to consumer reporting agencies if:

(1) The Agency Claims Officer or his designee has determined that the debtor's claim is overdue,

(2) Notice has been sent certified mail, return receipt requested, to the debtor informing him that:

(i) Payment of the claim is overdue,

(ii) The Agency intends to disclose the debtor's debt records to a consumer reporting agency within a stated period, not less than 60 days after the mailing of such claim,

(iii) Specified items of information being released shall be listed in the notice. Such items will normally include the debtor's name, taxpayer account number, last known address, other information necessary to establish the identity of the individual nature, amount and status of the outstanding claim, and programs under which the claim arose, and

(iv) The debtor has a right to a full explanation of the claim, to dispute any information in the records concerning the claim, and to have an administrative review.

If the debtor petitions for administrative review, then no further action on referring claims information to consumer reporting agencies shall be undertaken until the administrative review is completed.

(c) *Administrative review.* The debtor shall send with his petition arguments in writing and documentary evidence to the Agency Claims Officer, Office of the Comptroller, Federal Emergency Management Agency, Washington, D.C. 20472. These shall be reviewed by the Agency Claims Officer or an official designated by him. The reviewing official shall prepare a reply, within 60 days after receipt of the petition, either accepting the debtor's assertions in whole or in part or rejecting them. If the debtor's assertions are rejected in whole or part, then the debt data, described in paragraph (b)(2)(iii) above (with correction made as indicated by the reviewing official) shall be sent to consumer reporting agencies.

(d) *Information released.* Information released to consumer reporting agencies shall be limited to the following items:

(i) Name of debtor, address, taxpayer identification number, and other information necessary to establish the identity of the debtor,

(ii) Amount, status and history of the debt and,

(iii) Program under which the claim arose.

§ 11.53 Securing debtor addresses from the Department of Treasury.

(a) If the Agency Claims Officer is unable to obtain a current address for a debtor, then a written request shall be sent to the Secretary of the Treasury asking for the debtor's most current mailing address from the Department of the Treasury taxpayer identity information files for Agency use in collecting claims. Any information so received from the Secretary of the Treasury shall be safeguarded in accordance with provisions of 26 U.S.C. 6103(p)(4) and 26 CFR Parts 301 and 601.

(b) Taxpayer identity information (which includes IRS current address and social security number) shall be released to consumer reporting agencies only for the purpose of preparation of commercial credit reports for use by Federal agencies in accordance with section 3 of the Debt Collection Act (31 U.S.C. 3711(f). A notice to this effect shall be placed on each page containing taxpayer identity information which is sent to consumer reporting agencies.

§ 11.54 Contracts with debt collection agencies.

(a) *General.* The Agency Claims Officer may request the Agency's Acquisition Management Division to enter into contracts for the recovery of indebtedness owed to the United States arising under programs administered by the Agency. Such contracts may be entered into with persons or organizations and shall be handled in accordance with the Federal Procurement Regulations (41 CFR Part 1) and the Agency's procurement regulation (41 CFR Part 44).

(b) *Debt Collection Contract Provisions.* Contracts entered into under authority of this section shall have provisions relating to:

(1) Protection of data relating to individuals which shall not be less than that provided under the terms of the Privacy Act (5 U.S.C. 552a)

(2) Protection of data derived from Department of the Treasury taxpayer identity information files shall in accordance with 26 U.S.C. 6103(p)(4) and 26 CFR Parts 301 and 601.

(3) Authority to terminate collection action, settle or compromise claims shall remain with the Director of the Agency or the Agency Claims Officer rather than with the Contracting Officer.

(4) Resolution of disputes relating to the claim shall remain with the Agency Claims Officer or the Agency Director. Resolution of disputes arising under the contract or with the contractor shall remain with the Agency Contracting Officer who shall handle such disputes in accordance with the Contract Disputes Act (Pub. L. 95-563).

(5) Judicial enforcement of the claim shall be handled by the U.S. Department of Justice.

(6) The contractor shall adhere to Federal and State laws and regulations pertaining to debt collection practices including the Fair Debt Collection. Practices Act (15 U.S.C. 1692 *et seq.*)

(7) Contracts, entered into under provisions of this section, shall be subject to competition to the maximum practicable extent.

(8) The contractor shall be required to strictly account for all amounts collected.

(c) *Collection Fees.* Contracts entered into under this section may provide that fees payable to the contractor may be payable from the amounts collected from the debtor as determined by the Contracting Office.

(Approved by the Office of Management and Budget under Control No. 3067-0122)

§ 11.55 Referral to GAO or Justice Department.

(a) *Referral to the Department of Justice.* With the exception of debts described in paragraph (b) of this section, those debts which cannot be collected or compromised or terminated in accordance with 4 CFR Parts 103 and 104 and §§ 11.50 and 11.51 above, shall be referred to the Department of Justice for collection action. All such referrals shall be done by the Agency Claims Officer, who shall consult with the FEMA Office of General Counsel. The referral shall be accompanied by a copy of the complete claims file. In addition, the following information shall be provided:

(1) Current address of debtor. Effort shall be made to locate the debtor if he is missing. If the debtor is a corporation, then the name and address of the agent upon whom service of process may be made, shall be provided.

(2) Credit data which may be in the form of a credit report or a statement, under oath, of the debtors assets and liabilities.

(3) History of prior collection actions.

(4) Data required by the GAO Claims Collection Litigation Report form.

If the debt is less than $600, exclusive of interest, then referral shall not be made to the Department of Justice, except in unusual cases.

(b) *Referral to the General Accounting Office.* Claims arising from audits exceptions taken by the General Accounting Office (GAO) shall be referred to GAO before referring such claims to the Department of Justice. If the merits of the claim or the propriety of a proposed compromise, suspension or termination are in doubt, then the matter should be referred to GAO prior to referral to the Department of Justice.

(c) *Prompt referral.* Such referrals shall be made as early as possible consistent with aggressive collection action, and, in any event, well within the statute of limitation for bringing suit against the debtor. Ordinarily, claims referrals will be made to the Department of Justice within six months after FEMA has determined that a debt is owing in an amount certain.

§ 11.56 Analysis of costs.

The Agency Claims Officer shall provide for periodic comparison of costs incurred and amounts collected. Data on costs and corresponding recovery rates for debts of different types and in various dollar ranges should be used to compare the cost effectiveness of alternative collection techniques, establish guidelines with respect to the points at which costs of further collection efforts are likely to exceed recoveries, assist in evaluating offers in compromise, and establish minimum debt amounts below which collection efforts need not be taken. Cost and recovery data should also be useful in justifying adequate resources for an effective collection program.

§ 11.57 Automation.

The Agency Claims Officer shall work to automate the Agency's debt collection operations to the extent that it is cost effective and feasible.

§ 11.58 Prevention of overpayments, delinquencies, and defaults.

The Agency Claims Collection Officer shall establish procedures to identify the causes of overpayments, delinquencies, and defaults and the corrective actions needed. All debts or loans, when first established, may be reported to commercial credit bureaus.

§ 11.59 Office of General Counsel.

The Office of General Counsel shall provide legal advice on claims collection matters to all claims collection officers and the Agency Collection Officer, as needed.

§ 11.60 Sale of debts due the United States Arising under programs administered by the Agency.

Where debts due the United States arising under programs administered by the Agency prove to be uncollectable or unresolvable through procedures described in §§ 11.33 through 11.35, 11.41 through 11.48, and 11.50 through 11.55 above and where the stated value of the debt is less than $20,000, excluding penalties and interest then the Agency may contract to sell or assign such debts under competitive sales procedures. The Agency may sell or assign debts valued at $600, or less, excluding penalties and interest, after decision by the Agency Claims Officer. Where the debt exceeds $600 but is less than $20,000, exclusive of interest and penalties, the Agency may sell or assign such debts only after the Agency Claims Officer has coordinated such action with the Department of Justice and the General Accounting Office.

Dated: September 22, 1983.

Louis O. Giuferida,

Director.

[FR Doc. 83-26373 Filed 9-27-83; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Parts 59, 60, 61, 64, 65, 66, 67, 70, 76, and 77

Changes in Assignments of Official in FEMA Regulations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This document changes numerous references in FEMA regulations to the Federal Insurance Administrator to references to the Associate Director, State and Local Programs and Support, FEMA (called the Associate Director). The change is needed because the activities described in the regulations are now being performed by the Associate Director.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel, FEMA, 500 C Street SW., Washington, D.C. 20472, (202) 287-0377.

SUPPLEMENTARY INFORMATION: This regulation makes changes needed to reflect new organizational assignments within FEMA. It relates to internal management and it is not a substantive rule. Thus, notice and public comment are unnecessary and the rule can be made effective immediately.

List of Subjects

44 CFR Part 59

Flood insurance, Flood plains.

44 CFR Part 60

Flood insurance, Flood plains.

44 CFR Part 61

Flood insurance.

44 CFR Part 64

Flood insurance.

44 CFR Part 65

Flood insurance.

44 CFR Part 66

Flood insurance, Flood plains, Intergovernmental relations.

44 CFR Part 67

Flood insurance, Flood plains.

44 CFR Part 70

Flood insurance, Flood plains.

44 CFR Part 76

Flood insurance, Grant programs/Environmental protection.

44 CFR Part 77

Flood insurance, Flood plains, Grant programs/Environmental protection.

Accordingly, "Subchapter B, Chapter 1 of Title 44, Code of Federal Regulations is amended as follows:

PART 59—GENERAL PROVISIONS

§§ 59.2, 59.22, 59.24 [Amended]

1. 44 CFR Part 59 is amended by removing the title "Administrator" and adding the title "Associate Director" in the following sections:

§§ 59.1 (In definition of "Eligible Community", "Flood Elevation determination", "Flood Hazard Boundary Map", "Flood Insurance Rate Map", "Participating Community", "Project Cost", "Regular Program", and "State Coordinating Agency"), 59.2(a), 59.2(b), 59.22(a)(9) (i) and (v), 59.22(b)(2), 59.24(a) (9 times), 59.24(b) (6 times).

PART 60—CRITERIA FOR LAND MANAGEMENT AND USE

§§ 60.1-60.6, 60.11, 60.16, 60.25 [Amended]

2. 44 CFR Part 60 is amended by removing the title "Administrator" and adding the title "Associate Director" in place thereof in the following sections: §§ 60.1(a), 60.1(b), 60.2(a) (2 times), 60.2(f), 60.2(h) (2 times), 60.3 introductory text (5 times), 60.3(a), 60.3(b), 60.3(b)(4), 60.3(b)(6), 60.3(c), 60.3(c)(2), 60.3(c)(4), 60.3(d), 60.3(e), 60.4 introductory text (5 times), 60.4(a), 60.4(b), 60.4(b)(2), 60.5 introductory text (5 times), 60.5(a), 60.5(b), 60.5(b)(2), 60.6(a) (3 times), 60.6(a)(6), 60.6(b)(1) (2 times), 60.6(b)(2), 60.6(b)(3), 60.6(b)(4), 60.11(a), 60.11(b) (first time only), 60.13, 60.25(a)(4), 60.25(b).

PART 61—INSURANCE COVERAGE AND RATES

§ 61.12 [Amended]

3. 44 CFR Part 61 is amended by removing the title "Administrator" and adding the title "Associate Director" in the following sections: §§ 61.12(a), 61.12(b), 61.12(c) 61.12(d), 61.12(e), and 61.12(f).

PART 64—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

§§ 64.3, 64.4, 64.5 [Amended]

4. 44 CFR Part 64 is amended by removing the title "Administrator" and adding the title "Associate Director" in its place in the following sections:

§§ 64.3(a), 64.3(a)(2), 64.3(c)(1), 64.4(b), 64.4(c), 64.4(d), 64.5(a) (2 times).

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

§ 65.3 [Amended]

5. 44 CFR Part 65 is amended by removing the title "Administrator" and adding the title 'Associate Director" in its place in the following sections: §§ 65.3, 65.3(a), 65.3(a)(2), 65.3(c).

PART 66—CONSULTATION WITH LOCAL OFFICIALS

§§ 66.1 and 66.3 [Amended]

6. 44 CFR Part 66 is amended by removing the title "Administrator" and adding the title "Associate Director" in its place in the following sections: §§ 66.1(c), 66.1(c)(3), 66.3(a), 66.3(b).

7. 44 CFR Part 66 is amended by removing the title "Administrator's" and adding the title "Associate Director's" in its place in § 66.3(b).

PART 67—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

§§ 67.3, 67.4, 67.6–67.9, 67.12 [Amended]

8. 44 CFR Part 67 is amended by removing the title "Administrator" and adding the title "Associate Director" in its place in the following sections: §§ 67.3 introductory text, 67.3(e), 67.3(f), 67.4 introductory text, 67.6, 67.7(b), 67.7(d), 67.8(a), 67.8(b), 67.8(c), 67.8(e), 67.9(a), 67.12(a).

§§ 67.5, 67.7, 67.11 [Amended]

9. 44 CFR Part 67 is amended by removing the possessive form of the title "Administrator's" and adding the possessive form of the title "Associate Director's" in place thereof in the following sections: §§ 67.5 (2 times), 67.7(a) (2 times), 67.7(d), 67.11.

PART 70—PROCEDURE FOR MAP CORRECTION

§§ 70.1 and 70.3–70.6 [Amended]

10. 44 CFR Part 70 is amended by removing the title "Administrator" and adding in its place the title "Associate Director" in the following sections: §§ 70.1, 70.3(a), 70.4, 70.5, 70.6(a).

PART 76—STATE ASSISTANCE PROGRAM FOR THE NATIONAL FLOOD INSURANCE PROGRAM

§ 76.2 [Amended]

11. 44 CFR Part 76 is amended by removing the title "Federal Insurance Administrator" and adding in its place the title "Associate Director" in the following section: § 76.2(d)(2).

PART 77—ACQUISITION OF FLOOD DAMAGED STRUCTURES

§§ 77.1 and 77.2 [Amended]

12. 44 CFR Part 77 is amended by removing the title "Administrator" and adding in its place "Associate Director" in the following sections: §§ 77.1(b), 77.2(b), 77.2(b)(1), 77.2(b)(4), 77.2(b)(5), 77.2(d)(1) (2 times), 77.2(d)(3) (2 times).

13. Section 77.2(d)(3) is amended by removing the title "Federal Insurance Administrator" and inserting "Director" in its place.

(Reorganization Plan No. 3 of 1978, Executive Order 12127)

Dated: September 22, 1983.

Jeffrey S. Bragg,

Executive Deputy Director.

[FR Doc. 83-26372 Filed 9-28-83; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 61

[Docket No. FEMA-FIA]

National Flood Insurance Program; Insurance Coverage and Rates; Emergency Phase

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) is increasing the chargeable rates for all structures located in communities participating in the emergency phase of the National Flood Insurance Program.

The Federal Emergency Administration (FIA) has examined the current chargeable rates and the amount of subsidy required to supplement the inadequate premium income derived from insurance policies to which these rates apply. Based on this examination, FIA has determined that the general public continues to bear too great a share of the burden for subsidized insurance rates. In addition, FIA has determined that the rate increase is necessary to bring the National Flood Insurance Program closer to a self-supporting basis and create a sounder financial basis for the program.

DATE: This rule will be effective October 31, 1983.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Emergency Management Agency, Federal Insurance Administration, Room 429, 500 "C" Street, SW., Washington, D.C. 20472; Telephone Number (202) 287-9740.

SUPPLEMENTARY INFORMATION: On July 15, 1983, FEMA published for comment in the Federal Register (Vol. 48, Page 32368) a proposed rule to increase the chargeable or subsidized rates for all structures located in communities participating in the emergency phase of the National Flood Insurance Program (NFIP). Two comments were received, both opposing the proposed increases. Concern was expressed that some regions of the country experience a greater incidence of flooding than do many other regions, especially those within the coastal high hazard areas and many of the large riverine areas, such as the Lower Mississippi River, Ohio River, etc. Thus, the belief was expressed that FIA should consider a more equitable method of having owners of structures in those high hazard areas pay an increased rate to reflect program losses. However, the Congressional intent in establishing the Emergency Program was to provide a limited amount of coverage at reasonable premium rates during the time that data is being developed to determine the extent of the flood hazard so that true actuarial rates can then be implemented.

The belief was also expressed that policyholders outside of the recognized high hazard areas pay too great a share of the subsidized emergency insurance and that it would be more equitable if rates were commensurate with the actual flood loss experience (perhaps by adding a percentage or surcharge increase in the emergency rates when two or more flood claims are paid in a 3- to 10-year period, thus resulting in subsidized rates being moved closer to actuarial rates as additional claims are paid). FEMA recently considered the implemention of a surcharge system for risks subject to repetitive damage and received a great deal of comments, both positive and negative, on this subject. Because of the substantive issues that were raised concerning such a system, it was determined that consideration for such a system should be deferred until it can be studied longer and more input can be obtained from the public through a subsequent proposed rule.

Concern was expressed that the proposed increase in the emergency program rates will result in a reduction in the number of policies purchased and renewed by the segment of the population most in need of flood insurance, will be a disincentive for communities to join and/or remain in the NFIP, and therefore will not enhance floodplain management efforts. While these are valid concerns, FEMA believes that the proposed increases in the subsidized rates will still result in reasonably priced coverage to the policyholder who will benefit from the