COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Parts 51–3 and 51–4

RIN 3037–AA04

Change in Investigatory Procedures

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Final rule.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee) has deliberated and voted to clarify the Committee's role regarding oversight of nonprofit agencies within the AbilityOne Program. Previously, the Committee had authorized the designated Central Nonprofit Agencies (CNAs) to perform some oversight responsibilities of AbilityOne participating nonprofit agencies. However, through this action, the Committee assumes sole responsibility for official Program oversight including inspecting and investigating alleged violations by the nonprofit agencies. This action is taken to address a General Accountability Office (GAO) report recommendation aimed at improving oversight of the AbilityOne Program.

DATES: *Effective Date:* May 15, 2008.

ADDRESSES: The Committee office is located at Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, VA 22202–3259.

FOR MORE INFORMATION CONTACT: Dennis Lockard, General Counsel, by telephone (703) 603–7740, or by facsimile at (703) 603–0030, or by mail at the Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Hwy, Suite 10800, Arlington, VA 22202–3259.

SUPPLEMENTARY INFORMATION: The Committee's statutory authority includes making rules and regulations necessary to carry out the Javits-Wagner-O'Day (JWOD) Act (41 U.S.C. 46–48c). The Committee implements the purpose of the Act to provide employment opportunities for people who are blind or have other severe disabilities through the manufacture and delivery of products and services to the Federal Government. The Committee has designated two Central Nonprofit Agencies (CNAs), National Industries for the Blind (NIB) and NISH (serving people with a wide range of disabilities) to assist in the program's implementation and to represent their respective qualified nonprofit agencies nationwide. These qualified nonprofit agencies employ people who are blind or severely disabled to produce the products and provide the services the Committee determines are suitable for procurement by the Government.

In January of 2007, GAO released a Report to Congressional Requesters entitled ''Federal Disability Assistance: Stronger Federal Oversight Could Help Assure Multiple Programs' Accountability'' (GAO–07–236). In response to the request from Congress, GAO reviewed four federal employment related programs aimed at helping people with disabilities obtain jobs. The AbilityOne was one of the four programs reviewed by GAO. The GAO's tasks, specific to the Committee, were to assess the extent to which performance goals and measures were established and to assess the extent of the Committee's oversight procedures over the CNAs.

In performing its function for Congressional Requesters, the GAO found that the Committee delegates most of its oversight responsibilities to the two CNAs. Although the Committee retained some authority to investigate the nonprofit agencies for possible violations of the Committee's regulations, the majority of oversight of the qualified nonprofit agencies was done by the CNAs who also represent the interests of the nonprofit agencies to the Committee and other Federal agencies. The GAO concluded that this arrangement, as well as the fact that the CNAs received a percentage of the total value of contracts from the affiliated nonprofit agencies, raised questions about the CNAs independence and gave the CNAs little incentive to identify regulatory violations because that might result in the nonprofit agencies losing contracts and thus losing their ability to pay the CNAs a fee.

This interpretive rule is a Committee action to address GAO's concerns about the Committee's oversight procedures of the CNAs.

Executive Order 12866: This agency has made the determination that this rule is not significant for the purposes of EO 12866.

Administrative Procedure Act: The Committee finds under 5 U.S.C. 553(b)(3)(A) that the statute does not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice. This final rule simply changes the investigatory authority from the Central Nonprofit Agencies to the Committee for Purchase From People Who Are Blind or Severely Disabled. Further, pursuant to 5 U.S.C. 553(b)(3)(A), this rule of agency organization, procedure and practice is not subject to the requirement to provide prior notice and an opportunity for public comment. The Committee also finds that the 30-day delay in effectiveness, required under 5 U.S.C. 553(d), is inapplicable because this rule is not a substantive rule.

Regulatory Flexibility Act: Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

List of Subjects

41 CFR Part 51–3

Government procurement, Individuals with disabilities.

41 CFR Part 51–4

Government procurement, Individuals with disabilities, Reporting and recordkeeping requirements.

PART 51–3—CENTRAL NONPROFIT AGENCIES

■ 1. The authority citation for part 51–3 continues to read as follows:

Authority: 41 U.S.C. 46–48c.

■ 2. In § 51–3.2 revise paragraph (j) to read as follows:

§ 51–3.2 Responsibilities under the AbilityOne Program.

* * * * *

(j) Monitor and assist its nonprofit agencies to meet the statutory and regulatory requirements to fully participate in the program. Conduct assistance visits with its nonprofits as necessary and provide the Committee with the results and recommendations of such visits.

* * * * *

PART 51–4—NONPROFIT AGENCIES

■ 3. The authority citation for part 51–4 continues to read as follows:

Authority: 41 U.S.C. 46–48c.

§ 51–4.3 [Amended]

■ 4. In § 51–4.3 paragraph (b)(4), remove the word ''inspection'' and add in its place the word ''review''.

§ 51–4.5 [Amended]

■ 5. Section 51–4.5(a) is amended by:

■ A. Removing the words ''appropriate central nonprofit agency'' and adding in their place the word ''Committee''; and

■ B. Removing the second and third sentences.

Dated: May 9, 2008.

Earnestine Ballard,

Executive Director.

[FR Doc. E8–10770 Filed 5–14–08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFEs determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

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

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

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

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

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

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

§ 65.4 [Amended]

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

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief Executive Officer of Community	Effective date of modification	Community No.
Arizona:					
Maricopa (FEMA Docket No.: B–7766).	Town of Buckeye (07–09–1734P).	December 7, 2007, December 14, 2007, *West Valley View*.	The Honorable Bobby Bryant, Mayor, Town of Buckeye, 100 North Apache Road, Suite A, Buckeye, AZ 85326.	December 19, 2007	040039
Mohave (FEMA Docket No.: B–7754).	City of Kingman (08–09–0423X) (06–09–BH12P).	October 25, 2007, November 1, 2007, *The Kingman Daily Miner*.	The Honorable Lester Byram, Mayor, City of Kingman, 310 North Fourth Street, Kingman, AZ 86401.	February 7, 2008	040060
Pinal (FEMA Docket No.: B–7761).	City of Casa Grande (07–09–1769P).	November 14, 2007, November 21, 2007, *Copper Basin News*.	The Honorable Robert M. Jackson, Mayor, City of Casa Grande, 510 East Florence Boulevard, Casa Grande, AZ 85222.	December 5, 2007	040080
Yavapai (FEMA Docket No.: B–7761).	City of Prescott (07–09–1688P).	November 15, 2007, November 22, 2007, *Prescott Daily Courier*.	The Honorable Rowle Simmons, Mayor, City of Prescott, 201 South Cortez Street, Prescott, AZ 86303.	February 21, 2008	040098
California:					