



NATIONAL FLOOD INSURANCE PROGRAM

Bureau and Statistical Agent

FEMA

W-03069

MEMORANDUM TO: Write Your Own (WYO) Principal Coordinators and
NFIP Servicing Agent

FROM: WYO Clearinghouse

DATE: December 31, 2003

SUBJECT: Interim Final Rule – Extension of Term of Arrangement

Attached is an interim final rule published in today's Federal Register that extends the term of the current Financial Assistance/Subsidy Arrangement through May 1, 2004.

Comments should be received on or before March 1, 2004, as detailed in the attachment.

If you have any questions, please contact your Program Coordinator.

Attachment

cc: Vendors, IBHS, FIPNC, WYO Marketing Committee, Government Technical Representative

Suggested Routing: Accounting, Claims, Data Processing, Marketing, Underwriting

TABLE 4.—HCPCS WITH STATUS INDICATORS THAT CHANGED FROM A TO Y.—Continued

CPT/HCPCS	Description
K0056	Seat ht <17 or >=21 lwt wc.
K0057	Seat wdth 19/20 hvy dty wc.
K0058	Seat dpth 17/18 power wc.
K0059	Plastic coated handrim each.
K0060	Steel handrim each.
K0061	Aluminum handrim each.
K0062	Handrim 8–10 vert/obliq proj.
K0063	Hndrm 12–16 vert/obliq proj.
K0064	Zero pressure tube flat free.
K0065	Spoke protectors.
K0066	Solid tire any size each.
K0067	Pneumatic tire any size each.
K0068	Pneumatic tire tube each.
K0069	Rear whl complete solid tire.
K0070	Rear whl compl pneum tire.
K0071	Front castr compl pneum tire.
K0072	Fmnt castr compl sem-pneum tir.
K0073	Caster pin lock each.
K0074	Pneumatic caster tire each.
K0075	Semi-pneumatic caster tire.
K0076	Solid caster tire each.
K0077	Front caster assem complete.
K0078	Pneumatic caster tire tube.
K0079	Wheel lock extension pair.
K0080	Anti-rollback device pair.
K0081	Wheel lock assembly complete.
K0082	22 nf deep cycl acid battery.
K0083	22 nf gel cell battery each.
K0084	Grp 24 deep cycl acid battery.
K0085	Group 24 gel cell battery.
K0086	U–1 lead acid battery each.
K0087	U–1 gel cell battery each.
K0088	Battry chrgr acid/gel cell.
K0089	Battery charger dual mode.
K0090	Rear tire power wheelchair.
K0091	Rear tire tube power whlchr.
K0092	Rear assem cmplt powr whlchr.
K0093	Rear zero pressure tire tube.
K0094	Wheel tire for power base.
K0095	Wheel tire tube each base.
K0096	Wheel assem powr base complt.
K0097	Wheel zero pressure tire tube.
K0098	Drive belt power wheelchair.
K0099	Pwr wheelchair front caster.
K0100	Amputee adapter pair.
K0102	Crutch and cane holder.
K0103	Transfer board < 25".
K0104	Cylinder tank carrier.
K0105	Iv hanger.
K0106	Arm trough each.
K0107	Wheelchair tray.
K0108	W/c component-accessory NOS.
K0114	Whlchr back suprt inr frame.
K0115	Back module orthotic system.
K0116	Back & seat modul orthot sys.
K0195	Elevating whlchair leg rests.
K0268	Humidifier nonheated w PAP.
K0452	Wheelchair bearings.
K0455	Pump uninterrupted infusion.
K0460	WC power add-on joystick.
K0461	WC power add-on tiller cntrl.
K0462	Temporary replacement eqpmnt.
K0531	Heated humidifier used w pap.
K0532	Noninvasive assist wo backup.
K0533	Noninvasive assist w backup.
K0534	Invasive assist w backup.
K0538	Neg pressure wnd thrpy pump.
K0539	Neg pres wnd thrpy dsq set.
K0540	Neg pres wnd thrp canister.

TABLE 4.—HCPCS WITH STATUS INDICATORS THAT CHANGED FROM A TO Y.—Continued

CPT/HCPCS	Description
K0541	SGD prerecorded msg <= 8 min.
K0542	SGD prerecorded msg > 8 min.
K0543	SGD msg formed by spelling.
K0544	SGD w multi methods msg/accs.
K0545	SGD sftwre prgrm for PC/PDA.
K0546	SGD accessory, mounting systm.
K0547	SGD accessory NOC.
K0549	Hosp bed hvy dty xtra wide.
K0550	Hosp bed xtra hvy dty x wide.
L3964	Seo mobile arm sup att to wc.
L3965	Arm supp att to wc rancho ty.
L3966	Mobile arm supports reclinin.
L3968	Friction dampening arm supp.
L3969	Monosuspension arm/hand supp.
L3970	Elevat proximal arm support.
L3972	Offset/lat rocker arm w/ ela.
L3974	Mobile arm support supinator.

TABLE 5.—HCPCS WITH STATUS INDICATORS THAT CHANGED FROM E TO Y

CPT/HCPCS	Description
A4232	Syringe w/needle insulin 3cc.
A4632	Infus pump replcmnt battery.
E0188	Synthetic sheepskin pad.
E0189	Lambswool sheepskin pad.
E0218	Water circ cold pad w pump.
E0602	Manual breast pump.
E0740	Incontinence treatment systm.
E0760	Osteogen ultrasound stimltor.
E0765	Nerve stimulator for tx n&v.
K0610	Peritoneal dialysis clamp.
K0611	Disposable cycler set.
K0612	Drainage ext line, dialysis.
K0613	Ext line w/easy lock connect.
K0614	Chem/antisept solution, 8oz.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 22, 2003.

Ann C. Agnew,

Executive Secretary to the Department.

[FR Doc. 03–32016 Filed 12–24–03; 1:03 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 62

RIN 1660–AA29

National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement

AGENCY: Federal Emergency Management Agency (FEMA).
Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Interim final rule.

SUMMARY: FEMA is changing the current Financial Assistance/Subsidy Arrangement (the Arrangement) to extend its term of October 1, 2002, through December 31, 2003, to a term of October 1, 2002, through May 1, 2004. The Arrangement defines the duties and responsibilities of insurers that sell and service insurance under the Write Your Own (WYO) program. It also identifies the responsibilities of the Government to provide financial and technical assistance to these insurers.

DATES: Effective January 1, 2004.

Comments on this interim final rule, should be received on or before March 1, 2004.

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

FOR FURTHER INFORMATION CONTACT:

Edward L. Connor, FEMA, 500 C Street, SW., Washington, DC 20472, 202–646–3429 (Phone), 202–646–3445 (facsimile), or Edward.Connor@dhs.gov (e-mail).

SUPPLEMENTARY INFORMATION: On August 9, 2002, FEMA published in the **Federal Register**, 67 FR 51768, a final rule to revise the effective date of the Arrangement to agree with the new Arrangement year beginning October 1, 2002, and ending September 30, 2003.

FEMA had planned to make significant changes in the Arrangement regarding litigation issues effective October 1, 2003. The proposed rule for these changes was not published until October 14, 2003, 68 FR 59146. As an interim measure, an interim final rule was published September 5, 2003, 68 FR 52700, extending the Arrangement term beginning October 1, 2002, to December 31, 2003. No comments were received

on that interim final rule. It was anticipated that comments on the October 14, 2003, proposed rule could be reviewed and a final rule published effective January 1, 2004. However, as the final rule for these changes has not yet been published in the **Federal Register**, it is not feasible to complete the rulemaking for an effective date of January 1, 2004. WYO insurers need to receive an offer to enter into the Arrangement each year well in advance of the beginning of the Arrangement year. By extending the current Arrangement for an additional four months, the revised Arrangement with the litigation changes can be effective May 1, 2004, instead of postponing these changes to October 1, 2004. WYO insurers can always elect to cease participation in the WYO program at any time, so any insurer not desiring to participate for the additional four months of this extension may cease participation as of January 1, 2004.

Under this extension of the current Arrangement, the expense allowance provided for in Article III.B of APPENDIX A TO PART 62—FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, FINANCIAL ASSISTANCE/SUBSIDY ARRANGEMENT will remain the same for the additional four months as it is now, including the additional expense allowance of up to two percentage points for meeting marketing goals. This additional expense allowance will be based on the period October 1, 2002, through April 1, 2004.

National Environmental Policy Act

This interim final rule falls within the exclusion category 44 CFR part 10.8(d)(2)(ii), which addresses the preparation, revision, and adoption of regulations, directives, and other guidance documents related to actions that qualify for categorical exclusions. Qualifying for this exclusion and because no other extraordinary circumstances have been identified, this interim final rule will not require the preparation of either an environmental assessment or environmental impact statement as defined by the National Environmental Policy Act.

Executive Order 12866, Regulatory Planning and Review

We have prepared and reviewed this rule under the provisions of E.O. 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, October 4, 1993, a significant regulatory action is subject to an Office of Management and Budget (OMB) review and the requirements of the Executive

Order. The Executive Order defines “significant regulatory action” as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

For the reasons that follow we have concluded that this interim final rule is neither an economically significant nor a significant regulatory action under the Executive Order. The interim final rule will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, the insurance sector, competition, or other sectors of the economy. It will create no serious inconsistency or otherwise interfere with an action taken or planned by another agency. It will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof. Nor does it raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

OMB has not reviewed this rule under the principles of Executive Order 12866.

Paperwork Reduction Act

This interim final rule does not contain a collection of information and it is therefore not subject to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Executive Order 13132, Federalism

Executive Order 13132, Federalism, dated August 4, 1999, sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion

of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this rule under E.O. 13132 and have concluded that the rule does not have federalism implications as defined by the Executive Order. We have determined that the rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law nor does it limit State policymaking discretion.

Executive Order 12778, Civil Justice Reform

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

Administrative Procedure Act Statement

In general, FEMA publishes a rule for public comment before issuing a final rule, under the Administrative Procedure Act, 5 U.S.C. 553 and 44 CFR 1.12. The Administrative Procedure Act, however, provides an exception from that general rule where the agency for good cause finds the procedures for comment and response contrary to public interest. The public benefit of this rule is the continuation of the WYO arrangement without interruption. Therefore, we believe it is contrary to the public interest to delay the benefits of this rule. In accordance with the Administrative Procedure Act, 5 U.S.C. 553(d)(3), we find that there is good cause for the interim final rule to be published without prior public comment and without a full 30-day delayed effective date.

List of Subjects in 44 CFR Part 62

Flood insurance.

■ Accordingly, we amend 44 CFR Part 62 as follows:

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

■ 1. The authority citation for part 62 continues to read as follows:

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

■ 2. In Appendix A to part 62, revise the first sentence of Article V, Section A to read as follows:

Appendix A to Part 62—Federal Emergency Management Agency, Federal Insurance Administration, Financial Assistance/Subsidy Arrangement

Article V * * *

A. This Arrangement shall be effective for the period October 1, 2002 through May 1, 2004. * * *

* * * * *

Dated: December 23, 2003.

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03-32198 Filed 12-30-03; 8:45 am]

BILLING CODE 9110-12-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 32

[WC Docket No. 02-269; CC Docket No. 00-199; CC Docket No. 80-286; CC Docket No. 99-301; FCC 03-325]

Federal-State Joint Conference on Accounting Issues

AGENCY: Federal Communications Commission.

ACTION: Final rule; delay of effective date.

SUMMARY: This document further delays the implementation of four previously adopted accounting and reporting rule changes from January 1, 2004 through June 30, 2004. The Commission extends the delay of implementation in order to allow time for receipt and consideration of comments in response to recommendations by the Federal-State Joint Conference on Accounting Issues (Joint Conference).

DATES: The effective date for amendments to 47 CFR 32.5200, 32.6562 and 32.6620 published at 67 FR 5670, February 6, 2002, and delayed at 68 FR 38641, June 30, 2003, is further delayed through June 30, 2004.

FOR FURTHER INFORMATION CONTACT: Jane E. Jackson, Associate Chief, Wireline Competition Bureau, (202) 418-1500.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted on December 17, 2003, and released on December 23, 2003. The full text of the document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445

12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, e-mail qualexint@aol.com.

Synopsis of Order

On November 12, 2002, the Commission released an order, 67 FR 77432, December 18, 2002, delaying until July 1, 2003 the implementation of four accounting and reporting requirement rule modifications previously adopted by the Commission as part of its biennial review of accounting requirements and Automated Reporting Management System (ARMIS) reporting requirements, Report and Order, 67 FR 5670, February 6, 2002. On June 24, 2003, the Commission released another order, 68 FR 38641, June 30, 2003, further delaying implementation until January 1, 2004. The Commission deferred the implementation of these four accounting and reporting requirement rule modifications in order to allow the Federal-State Joint Conference on Accounting Issues time to consider these and other accounting issues in formulating their recommendations to the Commission. These accounting and reporting rule changes are as follows: (1) Consolidation of Accounts 6621 through 6623 into Account 6620, with sub-accounts for wholesale and retail; (2) consolidation of Account 5230, Directory revenue, into Account 5200, Miscellaneous revenue; (3) consolidation of the depreciation and amortization expense accounts (Accounts 6561 through 6565) into Account 6562, Depreciation and amortization expenses; and (4) revised "Loop Sheath Kilometers" data collection in Table II of ARMIS Report 43-07.

On October 9, 2003, the Joint Conference submitted the result of a year-long study of the Commission's accounting rules and on-going proceedings related to the Commission's accounting requirements. The Joint Conference makes several recommendations that directly relate to the four accounting rule modifications that are scheduled to go into effect on January 1, 2004. Here, the Commission extends through June 30, 2004 the Commission's current delay of the effective date of four accounting rule modifications, to allow time for receipt and consideration of comments in response to the Joint Conference's recommendations.

Federal Communications Commission

William F. Caton,

Deputy Secretary.

[FR Doc. 03-32149 Filed 12-30-03; 8:45 am]

BILLING CODE 6712-07-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 382

Federal Aviation Administration

14 CFR Part 121

Federal Transit Administration

49 CFR Part 655

Federal Railroad Administration

49 CFR Part 219

Research and Special Programs Administration

49 CFR Part 199

[Docket OST-2002-13435]

RIN 2105-AD35

Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Drug and Alcohol Management Information System Reporting

AGENCIES: Federal Motor Carrier Safety Administration, Federal Aviation Administration, Federal Transit Administration, Federal Railroad Administration, and Research and Special Programs Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: Each of the Department of Transportation's drug and alcohol testing rules include requirements for select employers to submit drug and alcohol testing data to five Department of Transportation (DOT) agencies. In the past, these employers have been required to use agency-specific Management Information System (MIS) forms for this purpose, twenty-one different forms in all. The Department recently published a final rule revising these DOT agency MIS forms and transforming them into a single one-page form for use throughout all the DOT agencies. The requirement for use of the form is now in 49 CFR part 40. By this action, the DOT agencies endorse the use of this single form within their regulated industries,