

planning and design costs. Thus, a State could use the State program management set-aside to fund water system plans for systems of all sizes, not just small systems.

EPA received mixed comments on the level of stakeholder involvement provided for during the rule development process. Several commentors commended EPA for the level of stakeholder input on many policy matters in the rule and for the Agency's responsiveness to comments received on the rule. Other commentors stated that stakeholder involvement in the rule should have been broader and more inclusive. EPA believes that the interim final rule gives States a high degree of flexibility to operate their programs and is the result of a thorough stakeholder consultation process that went beyond what is required under the Administrative Procedures Act. The rule is primarily a codification of the DWSRF Program Final Guidelines which went through an extensive public comment and review process. Any additions or modifications to the Final Guidelines that are reflected in the rule went through rounds of public comment and revisions in memoranda, guidance documents, or were published in the **Federal Register** for comment. Stakeholders were also given multiple opportunities to provide comments during the rule development process and all comments received were carefully considered.

### III. Administrative Requirements

#### *Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3).

#### **List of Subjects in 40 CFR Part 35**

Drinking water, Environmental protection, Grant programs—environmental protection, Public health, Safe drinking water act, State revolving funds, Water supply.

Dated: December 27, 2000.

**J. Charles Fox,**

*Assistant Administrator, Office of Water.*

Accordingly, the interim final rule is adopted as a final rule without change. [FR Doc. 01-693 Filed 1-11-01; 8:45 am]

**BILLING CODE 6560-50-P**

## **FEDERAL EMERGENCY MANAGEMENT AGENCY**

### **44 CFR Part 64**

[Docket No. FEMA-7753]

### **Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

#### **FOR FURTHER INFORMATION CONTACT:**

Donna M. Dannels, Branch Chief, Policy, Assessment and Outreach Division, Mitigation Directorate, 500 C Street, SW., Room 411, Washington, DC 20472, (202) 646-3098.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be

available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act.** This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act.** The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts

adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

**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.

**Paperwork Reduction Act.** This rule does not involve any collection of

information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**Executive Order 12612, Federalism.** This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

**Executive Order 12778, Civil Justice Reform.** This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

#### PART 64—[AMENDED]

1. The authority citation for part 64 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.

#### § 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region III</b>				
Pennsylvania: Gilpin, township of, Armstrong County.	421306	July 25, 1975, Emerg., May 4, 1988, Reg. January 5, 2001.	Aug. 23, 2000 ...	Jan. 5, 2001.
Virginia: Monterey, town of, Highland County.	510379	May 9, 1997, Emerg., January 5, 2001, Reg. January 5, 2001.	Dec. 20, 2000 ...	Do.
<b>Region V</b>				
Illinois:				
Golf, village of, Cook County .....	170098	January 17, 1975, Emerg., November 15, 1979, Reg. January 5, 2001.	Nov. 6, 2000 .....	Do.
La Grange, village of, Cook County	170114	March 30, 1973, Emerg., November 9, 1979, Reg. January 5, 2001.	.....do .....	Do.
Lincolnwood, village of, Cook County.	171001	April 24, 1979, Emerg., April 24, 1979, Reg. January 5, 2001.	.....do .....	Do.
North Riverside, village of, Cook County.	170135	March 24, 1975, Emerg., December 16, 1980, Reg. January 5, 2001.	.....do .....	Do.
Orland Park, village of, Cook County.	170140	April 15, 1974, Emerg., February 4, 1981, Reg. January 5, 2001.	.....do .....	Do.
Palos Heights, city of, Cook County	170142	July 27, 1973, Emerg., July 16, 1980, Reg. January 5, 2001.	.....do .....	Do.
<b>Region III</b>				
Pennsylvania:				
Blooming Grove, township of, Pike County.	421962	December 2, 1976, Emerg.; October 18, 1988, Reg.; January 19, 2001.	Oct. 6, 2000 .....	Jan. 19, 2001.
Delaware, township of, Pike County.	421963	September 10, 1975, Emerg.; December 4, 1985; Reg. January 19, 2001.	.....do .....	Do.
Greene, township of, Pike County	421965	August 6, 1975, Emerg.; October 18, 1988, Reg. January 19, 2001.	.....do .....	Do.
Lackawaxen, township of, Pike County.	421966	July 7, 1975, Emerg.; August 4, 1988; Reg. January 19, 2001.	.....do .....	Do.
Lehman, township of, Pike County	421967	February 3, 1976, Emerg.; June 19, 1989; Reg. January 19, 2001.	.....do .....	Do.
Milford, borough of, Pike County ...	420759	July 23, 1975, Emerg.; June 1, 1989; Reg. January 19, 2001.	.....do .....	Do.
Milford, township of, Pike County ..	422642	March 11, 1976, Emerg.; December 4, 1985; Reg. January 19, 2001.	.....do .....	Do.
Porter, township of, Pike County ...	422500	August 17, 1979, Emerg.; October 15, 1985; Reg. January 19, 2001.	.....do .....	Do.
Shohola, township of, Pike County	421969	August 7, 1975, Emerg.; July 15, 1988; Reg. January 19, 2001.	.....do .....	Do.
Westfall, township of, Pike County	421970	July 30, 1975, Emerg.; February 2, 1989; Reg. January 19, 2001.	.....do .....	Do.
Virginia: Hardy County, unincorporated areas.	540051	May 16, 1978, Emerg., June 19, 1985, Reg. January 19, 2001.	.....do .....	Do.
West Virginia: Moorefield, town of, Hardy County.	540052	May 12, 1975, Emerg., July 1, 1987, Reg. January 19, 2001.	.....do .....	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: January 5, 2001.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 01-1026 Filed 1-11-01; 8:45 am]

BILLING CODE 6718-05-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 1

[OST Docket No. OST-1999 6189;  
Amendment-#303].

#### Organization and Delegation of Powers and Duties; Delegation to the Administrator, Federal Highway Administration

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Secretary of Transportation (Secretary) delegates to the Federal Highway Administrator his authority to implement the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA), codified at 23 U.S.C. 181-189. The TIFIA authorizes the Department of Transportation ("Department of Transportation") to provide secured direct loans, lines of credit, and loan guarantees to public and private sponsors of eligible surface transportation projects. The Federal Highway Administrator is delegated authority with respect to coordination and management of the day-to-day activities associated with implementing the TIFIA program. The Federal Highway Administrator may further delegate this authority. The Secretary reserves the authority to evaluate and select individual projects to receive TIFIA assistance and reserves authority to provide overall policy direction and key program decisions for the TIFIA program.

**EFFECTIVE DATE:** This rule is effective on January 12, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Gloria Hardiman-Tobin, Office of the Chief Counsel, HCC-40, (202) 366-1397, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Blane Workie, Office of the General Counsel, (202) 366-9314, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

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**SUPPLEMENTARY INFORMATION:** The Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178, 112 Stat. 241 (1998), created the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA). The TIFIA establishes a new Federal credit program to provide credit assistance to surface transportation projects. The TIFIA authorizes the Secretary to provide secured (direct) loans, lines of credit, and loan guarantees to private and public sponsors of eligible transportation projects.

Funding for TIFIA is limited; therefore, the projects to receive financial assistance will be selected on a competitive basis. In fiscal years 1999 through 2003, TIFIA authorizes \$530 million to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to provide up to \$10.6 billion of credit assistance to major surface transportation projects. The TIFIA authorizes the Secretary to select the recipients of credit assistance and to use up to \$2 million of the budget authority provided each fiscal year for program administration.

The TEA-21 Conference Report stated, "To ensure the financial and programmatic success of TIFIA, the conference strongly encourages the Secretary to establish an organizational structure within the Department in which financial activities and programs can be closely coordinated and monitored." In June 1999, consistent with the Conference Report language, the Secretary and the Administrators of the Federal Highway Administration ("FHWA"), the Federal Railroad Administration ("FRA"), and the Federal Transit Administration ("FTA") entered into a Memorandum of Understanding ("MOU") to manage the TIFIA program on an interim basis through the creation of a TIFIA Working Group.

In December 2000, the Secretary and the Administrators of FHWA, FRA, and FTA entered into an MOU, which

amended and superseded the June 1999 MOU, to establish a TIFIA Joint Program Office ("TIFIA JPO") to coordinate and manage the day-to-day activities associated with implementing the TIFIA statutory provisions. According to the 2000 MOU, the TIFIA JPO will organizationally be located within FHWA and will have a dual reporting structure. The TIFIA JPO will report to the Secretary for overall policy direction and key program decisions. The TIFIA JPO will report to the Federal Highway Administrator for coordination and management of day-to-day operations and funding matters.

In accordance with the December 2000 MOU, the Secretary is delegating his authority to operate and manage the financial assistance program under TIFIA to the Federal Highway Administrator. Operation and management of the program consists of the initial evaluation of each project, the negotiation and preparation of the legal documents necessary to consummate the transaction, and the continuing oversight of the project.

For instance, the Federal Highway Administrator will act as the Executive Agent for the TIFIA Program and will be responsible for managing the TIFIA funds, which are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), with assistance from the other modal agencies and the TIFIA JPO. The Federal Highway Administrator will also manage specific accounting and budgeting activities to include: recording credit agreement obligations into the accounting system; preparing requests for and entering into loan agreements with the U.S. Treasury to borrow funds; receiving borrower requests (original documents) for fund disbursements; disbursing funds to borrowers; collecting and depositing payments from borrowers; making interest payments to the U.S. Treasury for borrowed funds; and satisfying other necessary budgetary and reporting requirements in accordance with the Federal Credit Reform Act (FCRA) and other relevant laws, regulations, and OMB guidelines.

Further, the Federal Highway Administrator will procure any necessary financial, legal, or other technical support services to assist in implementing and administering the TIFIA program and will execute all TIFIA credit instruments, including, but not limited to, term sheets, loan agreements, line of credit agreements, and loan guarantee agreements under delegated authority from the Secretary to the Federal Highway Administrator.