

**FOR FURTHER INFORMATION CONTACT:**

Joanne Cassidy, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone number: (215) 814-3381.

**SUPPLEMENTARY INFORMATION:** Because EPA received written comments that opposed this authorization, EPA is withdrawing the immediate final rule for Virginia: Final Authorization of State Hazardous Waste Management Program Revision published on March 13, 2003, at 68 FR 11981, which would have authorized changes to Virginia's hazardous waste rules. EPA stated in the immediate final rule that if EPA received written comments that opposed this authorization during the comment period, EPA would publish a timely notice of withdrawal in the **Federal Register**. Since EPA received comments that opposed this action, today EPA is withdrawing the immediate final rule. EPA will address the comments received during the comment period in a subsequent final action based on the proposed rule also published on March 13, 2003. EPA will not provide for additional public comment during the final action.

Dated: April 25, 2003.

**James W. Newsom,**

*Acting Regional Administrator, EPA Region III.*

[FR Doc. 03-10893 Filed 5-1-03; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-7807]

#### Suspension of Community Eligibility

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

**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management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE 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:** Edward Pasterick, Mitigation Division, 500 C Street, SW., Room 435, Washington, DC 20472, (202) 646-3443.

**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 Administrator 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 Administrator 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 I</b>                                  |               |                                                                                   |                            |                                                                                   |
| Maine:                                           |               |                                                                                   |                            |                                                                                   |
| Newry, Town of, Oxford County .....              | 230337        | December 30, 1975, Emerg.; September 4, 1985, Reg.; May 5, 2003, Susp.            | May 5, 2003 .....          | May 5, 2003.                                                                      |
| Turner, Town of, Androscoggin County             | 230010        | July 29, 1975, Emerg.; June 19, 1985, Reg.; May 5, 2003, Susp.                    | .....do .....              | Do.                                                                               |
| <b>Region III</b>                                |               |                                                                                   |                            |                                                                                   |
| Delaware:                                        |               |                                                                                   |                            |                                                                                   |
| Cheswold, Town of, Kent County .....             | 100004        | April 16, 1975, Emerg.; January 7, 1977, Reg.; May 5, 2003, Susp.                 | .....do .....              | Do.                                                                               |
| Little Creek, Town of, Kent County .....         | 100015        | July 30, 1975, Emerg.; January 17, 1979, Reg.; May 5, 2003, Susp.                 | .....do .....              | Do.                                                                               |
| <b>Region IV</b>                                 |               |                                                                                   |                            |                                                                                   |
| Florida:                                         |               |                                                                                   |                            |                                                                                   |
| Charlotte County, Unincorporated Areas           | 120061        | August 6, 1971, Emerg.; August 6, 1971, Reg.; May 5, 2003, Susp.                  | .....do .....              | Do.                                                                               |
| Lee County, Unincorporated Areas .....           | 125124        | October 30, 1970, Emerg.; September 19, 1984, Reg.; May 5, 2003, Susp.            | .....do .....              | Do.                                                                               |
| <b>Region V</b>                                  |               |                                                                                   |                            |                                                                                   |
| Illinois:                                        |               |                                                                                   |                            |                                                                                   |
| Bradley, Village of, Kankakee County ...         | 170338        | October 29, 1974, Emerg.; March 1, 1978, Reg.; May 5, 2003, Susp.                 | .....do .....              | Do.                                                                               |
| Kankakee, City of, Kankakee County ...           | 170339        | May 29, 1973, Emerg.; April 17, 1978, Reg.; May 5, 2003, Susp.                    | .....do .....              | Do.                                                                               |
| <b>Region IX</b>                                 |               |                                                                                   |                            |                                                                                   |
| California: Tehama County, Unincorporated Areas. | 065064        | April 23, 1971, Emerg.; June 1, 1982, Reg.; May 5, 2003, Susp.                    | .....do .....              | Do.                                                                               |
| <b>Region III</b>                                |               |                                                                                   |                            |                                                                                   |
| Pennsylvania:                                    |               |                                                                                   |                            |                                                                                   |
| Carnegie, Borough of, Allegheny County.          | 420019        | July 23, 1973, Emerg.; May 1, 1978, Reg.; May 15, 2003, Susp.                     | May 15, 2003 ...           | May 15, 2003.                                                                     |
| Crafton, Borough of, Allegheny County            | 420026        | April 15, 1974, Emerg.; December 19, 1980, Reg.; May 15, 2003, Susp.              | .....do .....              | Do.                                                                               |
| Green Tree, Borough of, Allegheny County.        | 420040        | June 27, 1974, Emerg.; July 16, 1981, Reg.; May 15, 2003, Susp.                   | .....do .....              | Do.                                                                               |
| Kennedy, Township of, Allegheny County.          | 42172         | April 26, 1974, Emerg.; February 15, 1980, Reg.; May 15, 2003, Susp.              | .....do .....              | Do.                                                                               |
| McKees Rocks, Borough of, Allegheny County.      | 420052        | November 3, 1972, Emerg.; May 16, 1977, Reg.; May 15, 2003, Susp.                 | .....do .....              | Do.                                                                               |
| Pittsburgh, City of, Allegheny County ...        | 420063        | April 13, 1973, Emerg.; December 15, 1981, Reg.; May 15, 2003, Susp.              | .....do .....              | Do.                                                                               |
| Robinson, Township of, Allegheny County.         | 421097        | March 17, 1976, Emerg.; February 3, 1982, Reg.; May 15, 2003, Susp.               | .....do .....              | Do.                                                                               |
| Roslyn Farms, Borough of Allegheny County.       | 420069        | February 7, 1975, Emerg.; May 19, 1981, Reg.; May 15, 2003, Susp.                 | .....do .....              | Do.                                                                               |
| Scott, Township of, Allegheny County ..          | 421100        | October 9, 1974, Emerg.; May 3, 1982, Reg.; May 15, 2003, Susp.                   | .....do .....              | Do.                                                                               |
| Thornburg, Borough of, Allegheny County.         | 420077        | January 16, 1980, Emerg.; July 18, 1983, Reg.; May 15, 2003, Susp.                | .....do .....              |                                                                                   |
| <b>Region IV</b>                                 |               |                                                                                   |                            |                                                                                   |
| North Carolina:                                  |               |                                                                                   |                            |                                                                                   |
| Aurora, Town of, Beaufort County .....           | 370014        | June 4, 1975, Emerg.; January 3, 1986, Reg.; May 15, 2003, Susp.                  | .....do .....              | Do.                                                                               |
| Bath, Town of, Beaufort County .....             | 370288        | April 8, 1987, Emerg.; April 8, 1987, Reg.; May 15, 2003, Susp.                   | .....do .....              | Do.                                                                               |
| Beaufort County, Unincorporated Areas            | 370013        | June 9, 1972, Emerg.; February 4, 1987, Reg.; May 15, 2003, Susp.                 | .....do .....              | Do.                                                                               |

| 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 |
|-------------------------------------------|---------------|-----------------------------------------------------------------------------------|----------------------------|-----------------------------------------------------------------------------------|
| Belhaven, Town of, Beaufort County ....   | 370015        | October 27, 1972, Emerg.; May 16, 1977, Reg.; May 15, 2003, Susp.                 | .....do .....              | Do.                                                                               |
| Chocowinity, Town of, Beaufort County     | 370289        | June 30, 1997, Reg.; May 15, 2003, Susp ..                                        | .....do .....              | Do.                                                                               |
| Hyde County, Unincorporated Areas ....    | 370133        | February 8, 1974, Emerg.; February 4, 1987, Reg.; May 15, 2003, Susp.             | .....do .....              | Do.                                                                               |
| Pantego, Town of, Beaufort County .....   | 370016        | November 24, 1975, Emerg.; August 5, 1985, Reg.; May 15, 2003, Susp.              | .....do .....              | Do.                                                                               |
| Washington Park, Town of Beaufort County. | 370268        | September 29, 1972, Emerg.; November 22, 1976, Reg.; May 15, 2003, Susp.          | .....do .....              | Do.                                                                               |

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

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*

[FR Doc. 03-10842 Filed 5-1-03; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### 45 CFR Part 148

[CMS-2179-FC]

RIN 0938-AM42

### Grants to States for Operation of Qualified High Risk Pools

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

**ACTION:** Final rule with comment period.

**SUMMARY:** This final rule with comment period implements a provision of the Trade Assistance Reform Act of 2002 by providing \$40 million in Federal fiscal year 2003 and \$40 million in Federal fiscal year 2004 to States that have incurred losses in connection with the operation of qualified high risk pools that meet certain criteria. This grant program implements section 2745 of the Public Health Service Act, as added by the Trade Adjustment Assistance Reform Act of 2002.

**DATES:** Effective date. These regulations are effective on June 2, 2003.

*Public comments:* We will consider comments if we receive them at the appropriate address, as provided below, no later than 5 p.m. on July 1, 2003.

*Deadline for States to submit an application for losses incurred in their fiscal year 2002:* States must submit an application to us by no later than September 30, 2003.

*Deadline for States to submit an application for losses incurred in their fiscal year 2003:* States must submit an application to us by no later than June 30, 2004.

*Deadline for States to submit an application for losses incurred in their fiscal year 2004:* States must submit an application to us by no later than June 30, 2005.

**ADDRESSES:** *Where to Submit an Application.* All initial applications and supplemental applications must be submitted to:

Centers for Medicare & Medicaid Services, Acquisition and Grants Group, Mail Stop C2-21-15, 7500 Security Boulevard, Baltimore, MD 21244-1850, Attn: Nicole Nicholson.

*Public Comments.* In commenting, please refer to file code CMS-2179-FC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission or e-mail.

Mail written comments (one original and two copies) to the following address ONLY:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-2179-FC, PO Box 8016, Baltimore, MD 21244-8016.

Please allow sufficient time for mailed comments to be timely received in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) to one of the following addresses:

Room 445-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5-14-03, 7500 Security Boulevard, Baltimore, MD 21244-1850.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and

retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

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

James Mayhew, (410) 786-9244.

#### **SUPPLEMENTARY INFORMATION:**

*Inspection of Public Comments:* Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 410-786-7195.

### **I. Background**

#### *A. General*

Section 2745(b) of the Public Health Service Act (PHS Act), as added by section 201(b) of the Trade Adjustment Assistance Reform Act of 2002, authorizes the Secretary to make grants to States for up to 50 percent of the losses they incur in the operation of qualified high risk pools, and appropriates the necessary funds. In order to qualify for a grant, a State's risk pool must meet the definition of a qualified risk pool, as described in section II of this preamble, as well as other applicable eligibility requirements described in that section.

#### *B. Availability and Use of Funds*

The total amount appropriated for these grants is \$80 million (\$40 million each in Federal fiscal years (FY) 2003 and 2004). We have two years to obligate funding for each fiscal year. As directed by the statute, we will allocate