

**SUMMARY:** On July 7, 2005, the Environmental Protection Agency (EPA), Region 2, published a direct final deletion (70 FR 129) to delete the Jones Sanitation Superfund Site (Site), located in Hyde Park, New York, from the National Priorities List (NPL). The EPA is withdrawing this final action due to adverse comments received during the public comment period. After consideration of the comments received, if appropriate, EPA will publish a notice of deletion in the **Federal Register** based on the parallel notice of proposed deletion (70 FR 129) dated July 7, 2005 and place a copy of the final deletion

package, including a Responsiveness Summary in the Site repositories.

**DATES:** The direct final action published on July 7, 2005, at 70 FR 129, is withdrawn as of September 1, 2005.

**ADDRESSES:** Comprehensive information on the Site, as well as the comments that were received during the comment period are available through the public docket contained at: U.S. Environmental Protection Agency, Region 2, Superfund Records Center, 290 Broadway, 20th Floor, New York, New York 10007-1866, (212) 637-4308. Hours: 9 a.m. to 5 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Ms. Isabel Rodrigues, Remedial Project Manager, U.S. EPA Region 2, 290 Broadway, 20th Floor, New York, New York 10007-1866, (212) 637-4248; Fax Number (212) 637-4284; E-mail address: [Rodrigues.Isabel@EPA.GOV](mailto:Rodrigues.Isabel@EPA.GOV).

**SUPPLEMENTARY INFORMATION:**

Comprehensive information about the Site is available for viewing and copying at the Site information repositories located at:

U.S. Environmental Protection Agency, Region 2, Superfund Records Center, 290 Broadway, Room 1828, New York, New York 10007-1866, (212) 637-4308. Hours: 9 a.m. to 5 p.m., Monday through Friday; by appointment

and,

Hyde Park Free Public Library, 2 Main Street, Hyde Park, NY 12538. Hours: 9 a.m. to 8 p.m., Monday and Tuesday; 12 to 8 p.m., Wednesday and Thursday; 9 a.m. to 2 p.m., Saturday.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 19, 2005.

**Dore Laposta,**

*Acting Regional Administrator, Region II.*  
[FR Doc. 05-17435 Filed 8-31-05; 8:45 am]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Part 403**

[CMS-4063-F]

RIN 0938-AN97

**Medicare Program; Medicare Prescription Drug Discount Card; Revision of Marketing Rules for Endorsed Drug Card Sponsors**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Final rule.

**SUMMARY:** This final rule will revise the current limitations prohibiting an endorsed drug card sponsor from marketing its Part D plans to its drug card enrollees. This revised rule will give the current drug card sponsors the ability to market to their enrollees Part D plans that are either offered by the same endorsed drug card sponsor or an affiliated organization of the same endorsed drug card sponsor. We are making these changes after considering the public comments received regarding the need to ensure a smooth transition from the drug card to the Medicare Prescription Drug Benefit.

**DATES:** *Effective Date:* These regulations are effective on October 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Shapiro, (410) 786-7407.

**SUPPLEMENTARY INFORMATION:**

**Availability of Final Rule**

*Electronic Copies:* An electronic copy of this document may be downloaded using a modem and suitable communications software. Internet users may reach CMS's Web page at

- <http://www.cms.hhs.gov/regulations>;
- <http://www.regulations.gov>; or
- <http://www.gpoaccess.gpo/nara/index.html>.

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**I. Background**

The Medicare drug discount card program was established by section 101, subpart 4, of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and is codified in section 1860D-31 of the Social Security Act (the "Act"). On December 15, 2003, in accordance with section 105(c)(1)(C) of the Act, we published the interim final rule with comment period (hereafter referred to as "interim final rule") for the Medicare drug discount card program on December 15, 2003 (68 FR 69840).

The interim final rule at § 403.813(a) addresses marketing limitations applicable to endorsed discount card sponsors in accordance with section 1860D-31(h)(7)(B) of the Act. Under these marketing limitations, an endorsed sponsor may only market those products and services offered under its endorsed program that are inside the scope of endorsement and permitted under the HIPAA Privacy Rule.

After considering the public comments on these issues we agree with the commenters that this policy does not comply with the intent of the Medicare Modernization Act which directs the Secretary to facilitate efficient enrollment into Part D plans. This final rule allows an endorsed card sponsor to market information to its Medicare drug card enrollees concerning its Part D plans offered by the endorsed card sponsor or an affiliated organization. This change will increase Medicare beneficiaries' awareness and knowledge of Part D plans, thereby facilitating a smooth transition from the Medicare Prescription Drug Discount Card Program to the Medicare Prescription Drug Benefit.

*Requirements for Issuance of Regulations*

Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) amended section 1871(a) of the Act and requires, in part, that the Secretary, in consultation with the Director of the Office of Management and Budget establish and publish timelines for the publication of Medicare final regulations based on the previous