

with the revised Federal MSWLF Criteria. Initially, Virginia submitted to EPA for approval relevant regulations that corresponded to all sections of 40 CFR part 258 except for Subpart G, Financial Assurance Criteria. On November 21, 2001, the Commonwealth of Virginia adopted financial assurance regulations for MSWLFs and on January 21, 2003 submitted these regulations to EPA for approval. Subject to the opportunity for public review and comment, this notice approves Virginia's financial assurance regulations.

**DATES:** This approval shall become effective December 8, 2003 unless adverse comments are received on or before November 6, 2003.

**ADDRESSES:** Written comments should be sent to Mike Giuranna, RCRA State Programs Branch, Waste & Chemicals Management Division (3WC21), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, telephone: (215) 814-3298. Comments may also be submitted electronically through the Internet to: [giuranna.mike@epamail.epa.gov](mailto:giuranna.mike@epamail.epa.gov) or by facsimile at (215) 814-3163. You may examine copies of the materials submitted by Virginia during normal business hours at EPA, Region III or at the offices of the Virginia Department of Environmental Quality (VADEQ) at 629 East Main Street, Richmond, Virginia 23219, Phone Number (804) 698-4238, attn: John Ely.

**FOR FURTHER INFORMATION CONTACT:** Mike Giuranna, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone Number: (215) 814-3298, e-mail: [giuranna.mike@epa.gov](mailto:giuranna.mike@epa.gov).

**SUPPLEMENTARY INFORMATION:** In **Federal Register** notices of February 3, 1993, (58 FR 6955) and March 31, 1994, (59 FR 15201) EPA determined that all portions of Virginia's Municipal Solid Waste Landfill permitting program, with the exception of the financial assurance portion, were equivalent to EPA's regulations for such programs under 40 CFR part 258. On January 21, 2003, Virginia submitted its financial assurance regulations to EPA for approval. After a thorough review, EPA determined that Virginia's financial assurance regulations, as defined under 9 VAC 20-70, Commonwealth of Virginia Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, are adequate to assure compliance with the Federal criteria as defined at 40 CFR part 258, subpart G (§§ 258.70 through 258.74). This determination will give full Federal approval to Virginia's

Municipal Solid Waste Landfill permitting program.

### Statutory and Executive Order Reviews

This rule only approves State solid waste requirements pursuant to RCRA section 4005 and imposes no requirements other than those imposed by State law (*see* **SUPPLEMENTARY INFORMATION**, above). Therefore, this rule complies with applicable executive orders and statutory provisions as follows.

1. *Executive Order 12866: Regulatory Planning Review*—The Office of Management and Budget has exempted this rule from its review under Executive Order 12866.

2. *Paperwork Reduction Act*—This rule does not impose an information collection burden under the Paperwork Reduction Act.

3. *Regulatory Flexibility Act*—After considering the economic impacts of today's rule on small entities under the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

4. *Unfunded Mandates Reform Act*—Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Act.

5. *Executive Order 13132: Federalism*—Executive Order 13132 does not apply to this rule because it will not have federalism implications (*i.e.*, substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government).

6. *Executive Order 13175: Consultation and Coordination with Indian Tribal Governments*—Executive Order 13175 does not apply to this rule because it will not have tribal implications (*i.e.*, substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes).

7. *Executive Order 13045: Protection of Children from Environmental Health & Safety Risks*—This rule is not subject to Executive Order 13045 because it is not economically significant and it is not based on health or safety risks.

8. *Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use*—This rule is not

subject to Executive Order 13211 because it is not a significant regulatory action as defined in Executive Order 12866.

9. *National Technology Transfer Advancement Act*—EPA approves State programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a State program, to require the use of any particular voluntary consensus standard in place of another standard that meets the requirements of RCRA. Thus, section 12(d) of the National Technology Transfer and Advance Act does not apply to this rule.

10. *Congressional Review Act*—EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U. S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective December 8, 2003.

### List of Subjects

#### 40 CFR Part 239

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Waste treatment and disposal.

#### 40 CFR Part 258

Reporting and recordkeeping requirements, Waste treatment disposal, Water pollution control.

**Authority:** This document is issued under the authority of section 2002, 4005 and 4010(c) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6945 and 6949(a).

**James W. Newsom,**

*Acting Regional Administrator, Region III.*

[FR Doc. 03-25398 Filed 10-6-03; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

#### Final Flood Elevation Determinations

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

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual chance) Flood Elevations (BFEs) and modified

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

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

**ADDRESSES:** The final 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:** Doug Bellomo, P.E. Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR Part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR Part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

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

**Regulatory Flexibility Act.** The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

**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 12612, Federalism.** This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

**Executive Order 12778, Civil Justice Reform.** This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

## List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR Part 67 is amended to read as follows:

### PART 67—[AMENDED]

■ 1. The authority citation for Part 67 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.

#### § 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

| Source of flooding and location   | #Depth in feet above ground.<br>*Elevation in feet (NGVD). |
|---|--|
| <b>CALIFORNIA</b>   |  |
| <b>San Luis Obispo County, (FEMA Docket No. B-7435)</b>   |  |
| <i>Los Berros Creek:</i>  |  |
| Approximately 750 feet downstream of El Conpo Road .....  | *103   |
| Approximately 4,000 feet downstream of State Route 101 .....  | None   |
| Approximately 1,200 feet upstream of State Route 101  | None   |
| <b>Maps are available for inspection</b> at the San Luis Obispo County Public Works Department, County Government Center, Room 207, 976 Osos Street, San Luis Obispo, California. |  |

| Source of flooding and location   | #Depth in feet above ground.<br>*Elevation in feet (NGVD)<br>+Elevation in feet (NAVD). | Communities affected   |
|---|---|--|
| Washington:<br>Whatcom County and Incorporated Areas, (FEMA Docket No. B-7310).<br>Johnson Creek:<br>At the confluence with Sumas River ..... | *38   | Whatcom County (Uninc. Areas), City of Bellingham, City of Everson, City of Ferndale, City of Lummi Indian Nation, City of Lynden, City of Nooksack, and City of Sumas |
| Samish River:   |   |  |

| Source of flooding and location   | #Depth in feet above ground.<br>*Elevation in feet (NGVD)<br>+Elevation in feet (NAVD). | Communities affected   |
|---|---|--|
| Approximately 2,900 feet downstream of Wickersham Road at the County Boundary .....         | *267  | Whatcom County (Uninc. Areas), City of Bellingham, City of Everson, City of Ferndale, City of Lummi Indian Nation, City of Lynden, City of Nooksack, and City of Sumas |
| At Burlington Northern Railroad .....   | *311  |  |
| Squalicum Creek:  |   |  |
| Approximately 200 feet upstream of Chicago, Milwaukee, St. Paul, and Pacific Railroad ..... | *127  |  |
| Approximately 2,000 feet upstream of Dewey Road .....                                       | *206  |  |
| Sumas River:  |   |  |
| Approximately 1,700 feet downstream of Jones Road at the International Boundary .....       | *34   |  |
| Approximately 1,000 feet upstream of Massey Road .....                                      | *93   |  |
| Sumas River Left Overbank Divided Flow:   |   |  |
| Approximately 200 feet downstream of Telegraph Road .....                                   | *56   |  |
| Approximately 6,300 feet upstream of Kadin Road .....                                       | *69   | Whatcom County (Uninc. Areas), City of Bellingham, City of Everson, City of Ferndale, City of Lummi Indian Nation, City of Lynden, City of Nooksack, and City of Sumas |
| Terrell Creek:  |   |  |
| Approximately 500 feet downstream of Alderson Road .....                                    | *8  |  |
| At Helweg Road .....  | *10   |  |

**Addresses:****Whatcom County (Unincorporated Areas):**

Maps are available for inspection at Whatcom County Public Works Department, Division of Engineering, 311 Grand Avenue, Suite 108, Bellingham, Washington.

**City of Bellingham:**

Maps are available for inspection at the Community Development Department, 210 Lottie Street, Bellingham, Washington.

**City of Everson:**

Maps are available for inspection at City Hall, 111 West Main Street, Everson, Washington.

**City of Ferndale:**

Maps are available for inspection at the Planning Department, 5694 Second Avenue, Ferndale, Washington.

**City of Lummi Indian Nation:**

Maps are available for inspection at the Planning Department, 2828 Kwina Road, Bellingham, Washington.

**City of Lynden:**

Maps are available for inspection at the Planning Department, 323 Front Street, Lynden, Washington.

**City of Nooksack:**

Maps are available for inspection at City Hall, 103 West Madison Street, Nooksack, Washington 98276.

**City of Sumas:**

Maps are available for inspection at City Hall, 433 Cherry Street, Sumas, Washington.

|  |       |  |
|--|-------|--|
| Washington:  |       |  |
| Whatcom County and Incorporated Areas, (FEMA Docket No. B-7430) .....  | ..... | Whatcom County (Uninc. Areas)                              |
| Strait of Georgia at Point Roberts: .....                              | ..... |  |
| At Point Roberts Marina .....  | *8    |  |
| South Edwards Drive along Southern Shore .....                         | *11   | Whatcom County (Uninc. Areas)                              |
| Birch Bay Northwest Shore:   |       |  |
| At intersection of Seahome Road and Seahome Court .....                | *8    |  |
| At Cottonwood Beach .....  | *9    |  |
| Along shoreline near intersection of Halda Road and Nitinat Road ..... | *14   | Whatcom County (Uninc. Areas) and Lummi Indian Reservation |
| Strait of Georgia at Sandy Point:                                      |       |  |
| At marina .....  | *8    |  |
| Along eastern shoreline .....  | *9    |  |
| Along western shoreline, west of marina .....                          | *14   | Whatcom County (Uninc. Areas)                              |
| Strait of Georgia at Village Point:                                    |       |  |
| Along West Shore Drive .....   | *9    |  |
| Along southern shoreline .....   | *10   |  |
| Lummi Bay:   |       |  |

| Source of flooding and location  | #Depth in feet above ground.<br>*Elevation in feet (NGVD)<br>+Elevation in feet (NAVD). | Communities affected                                       |
|--|---|--|
| Approximately 600 feet from intersection of East Turtle Lane and Shore Drive .....         | *8  | Whatcom County (Uninc. Areas)                              |
| Along shoreline near intersection of Lummi Park Road and Lane Split Road .....             | *10   |  |
| Bellingham Bay at Hermosa Beach:<br>East of Lummi Shore Road .....                         | *8  | Whatcom County (Uninc. Areas) and Lummi Indian Reservation |
| Lummi Bay at Gooseberry Point:<br>At intersection of Lummi View Drive and Haxton Way ..... | *8  | Whatcom County (Uninc. Areas) and Lummi Indian Reservation |
| Approximately 300 feet west of intersection of Lummi View Drive and Haxton Way .....       | *9  |  |
| Bellingham Bay at Eliza Island:<br>In the south-facing valley of Eliza Island .....        | *8  | Whatcom County (Uninc. Areas)                              |
| At the southern shore of Eliza Island .....  | *10   |  |
| At the western shore of Eliza Island .....   | *10   |  |

**Addresses:****Whatcom County (Unincorporated Areas):**

Maps are available for inspection at Whatcom County Public Works Department, Division of Engineering, 311 Grand Avenue, Suite 108, Bellingham, Washington.

**Lummi Indian Reservation:**

Maps are available for inspection at the Lummi Indian Business Council Planning Department, 2828 Kwina Road, Bellingham, Washington.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: September 30, 2003.

**Anthony S. Lowe,**

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

[FR Doc. 03-25345 Filed 10-6-03; 8:45 am]

BILLING CODE 6718-04-P

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 67**

[Docket No. FEMA-7772]

**Rescission of Final Flood Elevation Determination**

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

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency (FEMA or Agency) rescinds the final flood elevation determination published for Collier County, Florida and Incorporated Areas (including the City of Everglades, City of Naples, City of Marco Island, and the Unincorporated Areas of Collier County), on June 2, 2003, at 68 FR

32665 and 32666. A final flood elevation determination will be made at a later date.

**EFFECTIVE DATE:** This rescission is effective as of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:**

Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** FEMA published a notice of final flood elevation determination for Collier County, Florida and Incorporated Areas, on June 2, 2003, at FR 68, 32665 and 32666. Following coordination with Collier County, it was determined that additional time is needed to develop flood hazard data for the Golden Gates Estates area located within the Unincorporated Areas of Collier County and the City of Naples. Therefore, the final flood elevation for Collier County, Florida and Incorporated Areas is hereby rescinded in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104 until further notice.

Dated: September 30, 2003.

**Anthony S. Lowe,**

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

[FR Doc. 03-25344 Filed 10-6-03; 8:45 am]

BILLING CODE 6718-03-P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 24**

[WT Docket No. 97-82; FCC 03-98]

**Competitive Bidding Procedures**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** On July 21, 2003, (68 FR 42984), the Wireless Telecommunications Bureau published final rules in the Order, addressing five petitions for reconsideration filed in response to the Commission's Part 1 *Order on Reconsideration of the Third Report and Order, and Fifth Report and Order*.

**DATES:** Effective September 19, 2003.

**FOR FURTHER INFORMATION CONTACT:** Gary Michaels, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.