

provided in the April 10, 2001 direct final rule (66 FR 18546), as appears at the end of this document. This revised § 60.46a(j)(2) differs from the § 60.46a(j)(2) that is being withdrawn from the direct final rule by the deletion of the following statement:

This includes data substituted according to 40 CFR 75.21(i) for invalid data and 40 CFR 75.30 for missing data or data adjusted for negative bias as required by 40 CFR 75.23(d).

Based on our review of the comments received, we will, therefore, not address the comments on the withdrawn provisions in a subsequent final action on the parallel proposal published at 66 FR 18579.

The provisions for which we did not receive relevant adverse comment, as well as the revised § 60.46a(j)(2), will become effective on June 11, 2001 as provided in the April 10, 2001 direct final rule (66 FR 18546).

Dated: June 5, 2001.

Robert D. Brenner,

Acting Assistant Administrator, Office of Air and Radiation.

For reasons set out in the preamble, title 40, chapter I, part 60 of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart Da—[Amended]

2. Section 60.46a is amended by adding paragraph (j)(2) to read as follows:

§ 60.46a Compliance provisions.

* * * * *

(j) * * *

(2) The owner or operator of an affected duct burner may elect to determine compliance by using the continuous emission monitoring system specified under § 60.47a for measuring NO_x and oxygen and meet the requirements of § 60.47a. Data from a CEMS certified (or recertified) according to the provisions of 40 CFR 75.20, meeting the QA and QC requirements of 40 CFR 75.21, and validated according to 40 CFR 75.23 may be used. The sampling site shall be located at the outlet from the steam generating unit. The NO_x emission rate at the outlet from the steam generating unit shall constitute the NO_x emission rate from

the duct burner of the combined cycle system.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431, 433, 435, 436, and 457

[HCFA-2006-F3]

RIN 0938-AI28

State Child Health; Implementing Regulations for the State Children's Health Insurance Program: Further Delay of Effective Date

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; Further delay of effective date.

SUMMARY: This final rule temporarily delays the effective date of the final rule entitled "State Child Health; Implementing Regulations for the State Children's Health Insurance Program" published in the January 11, 2001 **Federal Register** (66 FR 2490). That final rule implements provisions of the Balanced Budget Act of 1997 (BBA) related to the State Children's Health Insurance Program (SCHIP). Specifically, the final rule includes provisions related to State plan requirements and plan administration, coverage and benefits, eligibility and enrollment, enrollee financial responsibility, strategic planning, substitution of coverage, program integrity, certain allowable waivers, and applicant and enrollee protections. It also implements the provisions of sections 4911 and 4912 of the BBA, which amended title XIX of the Social Security Act to expand State options for coverage of children under the Medicaid program. In addition, the final rule makes technical corrections to subparts B and F of 42 CFR part 457.

On February 26, 2001, we initially delayed the effective date of the final rule from April 11, 2001 until June 11, 2001. The temporary 60-day delay in the effective date was necessary to give Department officials the opportunity for further review and consideration of new regulations.

We have decided to further delay the effective date of the final rule because we have determined that a short additional period is required to properly consider and promulgate necessary

revisions. To the extent that 5 U.S.C. section 553 applies to this action, this action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b) (A). Alternatively, HCFA's delay of implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. sections 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical because the time available before the effective date is too short for meaningful comment. Moreover, to the extent that seeking public comment would preclude this delay, it would be contrary to the public interest in the orderly promulgation and implementation of regulations in light of the development of necessary revisions. The immediate delay is necessary to prevent application of inconsistent standards while we issue the necessary revisions.

DATES: The effective date of the final rule amending 42 CFR parts 431, 433, 435, 436 and 457, published in the **Federal Register** on January 11, 2001, at 66 FR 2490 and delayed on February 26, 2001 at 66 FR 11547 until June 11, 2001 is further delayed until June 25, 2001.

FOR FURTHER INFORMATION CONTACT: Regina Fletcher (410) 786-3293.

(Catalog of Federal Domestic Assistance Program No. 93.767, State Children's Health Insurance Program)

Dated: June 7, 2001.

Thomas A. Scully,
Administrator, Health Care Financing Administration.

Approved: June 7, 2001.

Tommy G. Thompson,
Secretary.

[FR Doc. 01-14733 Filed 6-8-01; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7763]

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**.

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: Donna M. Dannels, Division Director, Policy and Assessment 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
Region II				
New York: Scriba, town of, Oswego County ...	360663	September 15, 1975, Emerg., September 16, 1982, Reg. June 6, 2001.	6/6/01	6/6/01
Region V				
Minnesota: Houston County, unincorporated areas.	270190	April 30, 1974, Emerg., January 6, 1982, Reg. June 6, 2001.	6/6/01	6/6/01
Ohio: Mercer County, unincorporated areas ...	390392	November 15, 1977, Emerg., September 6, 1989, Reg. June 6, 2001.	6/6/01	6/6/01
Region VI				
New Mexico:				
Portales, city of, Roosevelt County	350054	October 29, 1974, Emerg., January 20, 1982, Reg. June 6, 2001.	6/6/01	6/6/01
Red River, town of, Taos County	350079	April 18, 1975, Emerg., July 1, 1987, Reg. June 6, 2001.	6/6/01	6/6/01
Region VII				
Iowa:				
Akron, city of, Plymouth County	190223	November 14, 1974, Emerg., August 1, 1986, Reg. June 6, 2001.	6/6/01	6/6/01
Plymouth County, unincorporated areas ..	190899	May 6, 1980, Emerg., September 18, 1985, Reg. June 6, 2001.	6/6/01	6/6/01
Westfield, city of, Plymouth County	190482	December 3, 1998, Emerg., October 20, 1999, Reg. June 6, 2001.	6/6/01	6/6/01

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
Region I				
New Hampshire: Holderness, town of, Grafton County.	330059	July 22, 1975, Emerg., April 15, 1981, Reg. June 20, 2001.	6/20/01	6/20/01
Region II				
New York:				
Oswego, town of, Oswego County	360657	December 16, 1976, Emerg., September 30, 1981, Reg. June 20, 2001.	6/20/01	6/20/01
Putnam Valley, town of, Putnam County	361030	July 31, 1975, Emerg., September 4, 1997, Reg. June 20, 2001.	6/20/01	6/20/01
Schuyler, town of, Herkimer County	360318	June 24, 1975, Emerg., July 3, 1985, Reg. June 20, 2001.	6/20/01	6/20/01
Region III				
Pennsylvania:				
Bedminster, township of, Bucks County ..	421049	February 5, 1976, Emerg., December 1, 1983, Reg. June 20, 2001.	6/20/01	6/20/01
Hilltown, township of, Bucks County	420189	October 6, 1972, Emerg., January 30, 1981, Reg. June 20, 2001.	6/20/01	6/20/01
Perkasie, borough of, Bucks County	420198	September 8, 1972, Emerg., March 1, 1977, Reg. June 20, 2001.	6/20/01	6/20/01
Sellersville, borough of, Bucks County	420203	July 9, 1973, Emerg., February 15, 1978, Reg. June 20, 2001.	6/20/01	6/20/01
Region IV				
North Carolina: Warren County, unincorporated areas.	370396	November 29, 1979 Emerg., February 1, 1987, Reg. June 20, 2001.	6/20/01	6/20/01
Region VII				
Kansas:				
El Dorado, city of, Butler County	200039	April 21, 1972, Emerg., August 24, 1976, Reg. June 20, 2001.	6/20/01	6/20/01
Butler County, unincorporated areas	200037	June 23, 1975, Emerg., March 2, 1981, Reg. June 20, 2001.	6/20/01	6/20/01

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

Dated: June 1, 2001.

Margaret E. Lawless,
Acting Executive Associate Director for
Mitigation.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-P-7602]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1-percent-annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Acting Executive Associate Director for Mitigation reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified 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: Matthew B. Miller, P.E., Chief, Hazards

Study Branch, Mitigation Directorate, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-3461 or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

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

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in BFEs are in accordance with 44 CFR 65.4. *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 Acting Executive Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This interim 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 rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and record keeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 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.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Arkansas: Washington ...	City of Springdale	April 20, 2001, April 27, 2001, <i>The Morning News of Northwest Arkansas.</i>	The Honorable Jerre Van Hoose, Mayor, City of Springdale, 201 Spring Street, Springdale, Arkansas 72764.	July 27, 2001	050219
Illinois: Lake	City of Waukegan	March 22, 2001, March 29, 2001, <i>Chicago Tribune.</i>	The Honorable Bill Durkin, Mayor, City of Waukegan, 106 North Utica, Waukegan, Illinois 60085.	June 29, 2001	170397
Kansas: Johnson	City of Shawnee	February 8, 2001, February 15, 2001, <i>Topeka Capital-Journal.</i>	The Honorable Jim Allen, Mayor, City of Shawnee, City Hall, 11110 Johnson Drive, Shawnee, Kansas 66203.	January 18, 2001 ...	200177