

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Gurley Pit Superfund Site, Edmondson, Arkansas.

A Notice of Intent to Delete for this Site was published in the **Federal Register** on July 28, 2003 (68 FR 44270). The closing date for comments on the Notice of Intent to Delete was August 27, 2003. No comments were received, and, therefore, EPA has not prepared a Responsiveness Summary.

The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### 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, Water pollution control, Water supply.

Dated: September 30, 2003.

**Lawrence Starfield,**

*Deputy Regional Administrator, Region 6.*

■ For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### Appendix B—[Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry for the Gurley Pit site in Edmondson, Arkansas. [FR Doc. 03–27849 Filed 11–5–03; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA–7819]

#### 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:** Mike Grimm, Mitigation Division, 500 C Street, SW., Room 412, Washington, DC 20472, (202) 646–2878.

**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 IV</b>				
Mississippi: Puckett, Township of, Rankin County.	280147	May 22, 1987, Emerg.; Dec. 1, 1990, Reg.; Nov. 5, 2003, Susp.	11/5/03 .....	11/5/03.
<b>Region V</b>				
Illinois:				
Alorton, Village of, St. Clair County .....	170617	Apr. 26, 1974, Emerg.; June 4, 1980, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Belleville, City of, St. Clair County .....	170618	July 5, 1973, Emerg.; Nov. 19, 1980, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Brooklyn, Village of, St. Clair County ....	170619	May 1, 1974, Emerg.; Mar. 28, 1980, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Cahokia, Village of, St. Clair County .....	170620	Oct. 4, 1973, Emerg.; Oct. 17, 1978, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Caseyville, Village of, St. Clair County	170621	Apr. 26, 1973, Emerg.; Mar. 16, 1981, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Centreville, City of, St. Clair County .....	170622	May 16, 1973, Emerg.; Mar. 4, 1980, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Dupo, Village of, St. Clair County .....	170624	May 29, 1973, Emerg.; Feb. 4, 1981, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
East Carondelet, Village of, St. Clair County.	170625	Feb. 15, 1974, Emerg.; Mar. 2, 1981, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
East St. Louis, City of, St. Clair County	170626	May 1, 1973, Emerg.; Nov. 1, 1979, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Fairmont City, Village of, St. Clair County.	170627	July 29, 1975, Emerg.; Mar. 28, 1980, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Fairview Hgts., City of, St. Clair County	170895	Jan. 14, 1975, Emerg.; July 3, 1978, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Fayetteville, Village of, St. Clair County	170628	May 12, 1976, Emerg.; June 15, 1981, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Freeburg, Village of, St. Clair County ...	170790	Mar. 24, 1976, Emerg.; Jan. 18, 1980, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Mascoutah, City of, St. Clair County .....	170630	May 1, 1974, Emerg.; June 15, 1981, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Monmouth, City of, Warren County .....	170676	April 11, 1975, Emerg.; Sep. 30, 1988, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
New Athens, Village of, St. Clair County	170632	Sept. 3, 1975, Emerg.; Mar. 23, 1984, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
O'fallon, City of, St. Clair County .....	170633	July 3, 1974, Emerg.; Oct. 15, 1982, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Sauget, Village of, St. Clair County .....	170635	July 6, 1976, Emerg.; Aug. 1, 1980, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Shiloh, Village of, St. Clair County .....	171043	Feb. 29, 1996, Reg.; Nov. 5, 2003, Susp. ....	.....do .....	Do.
Smithton, Village of, St. Clair County ....	170892	Jan. 7, 1976, Emerg.; June 25, 1976, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
St. Clair County, Unincorporated Areas	170616	Mar. 30, 1973, Emerg.; Dec. 15, 1981, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
St. Libory, Village of, St. Clair County ..	170634	July 16, 1975, Emerg.; Feb. 25, 1983, Reg.; Nov. 5, 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
Summerfield, Village of, St. Clair County.	170636	Aug. 11, 1976, Emerg.; Aug. 10, 1979, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do
Swansea, Village of, St. Clair County ...	170637	Jan. 13, 1975, Emerg.; Dec. 1, 1981, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Indiana:				
Allen County, Unincorporated Areas .....	180302	Feb. 14, 1974, Emerg.; Sep. 28, 1990, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Fort Wayne, City of, Allen County .....	180003	May 24, 1974, Emerg.; Apr. 3, 1985, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Grabill, Town of, Allen County .....	180499	Oct. 17, 1990, Reg.; Nov. 5, 2003, Susp .....	.....do .....	Do.
Huntertown, Town of, Allen County .....	180005	July 29, 1975, Emerg.; Nov. 2, 1983, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Monroeville, Town of, Allen County .....	180498	Oct. 17, 1990, Reg.; Nov. 5, 2003, Susp .....	.....do .....	Do.
New Haven, City of, Allen County .....	180004	Jan. 30, 1975, Emerg.; July 18, 1983, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Minnesota: Isanti County, Unincorporated Areas.	270197	Apr. 4, 1972, Emerg.; May 19, 1981, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Wisconsin:				
Darlington, City of, Lafayette County ....	550228	Aug. 18, 1972, Emerg.; Sep. 15, 1978, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
Lafayette County, Unincorporated Areas.	550223	Mar. 10, 1972, Emerg.; Sept. 15, 1978, Reg.; Nov. 5, 2003, Susp.	.....do .....	Do.
<b>Region IV</b>				
South Carolina: Lancaster County, Unincorporated Areas.	450120	July 3, 1975, Emerg.; Jan. 6, 1983, Reg.; Nov. 19, 2003, Susp..	11/19/2003 .....	11/19/2003
<b>Region VIII</b>				
South Dakota:				
Aurora County, Unincorporated Areas ..	460293	Nov. 19, 2003, Reg.; Nov. 19, 2003, Susp ..	.....do .....	Do.
Plankinton, City of, Aurora County .....	460001	Sept. 29, 1975, Emerg.; Aug. 5, 1986, Reg.; Nov. 19, 2003, Susp.	.....do .....	Do.

\*do=Ditto.  
Code for reading third column: Emerg.-Emergency; Reg.-Regular; Susp.-Suspension.

Dated: October 30, 2003.  
**Anthony S. Lowe,**  
*Mitigation Division Director, Emergency Preparedness and Response Directorate.*  
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**BILLING CODE 6718-05-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of the Secretary**

**45 CFR part 5b**

**Privacy Act; Implementation**

**AGENCY:** Office of the Secretary, HHS.  
**ACTION:** Final rule.

**SUMMARY:** The Office for Civil Rights (OCR) of the Department of Health and Human Services has implemented a new system of records (SOR) entitled the "Program Information Management System (PTMS), HHS/OS/OCR (09-90-0052)." This system has replaced OCR's two previous systems of records, the "Case Information Management System (CIMS), HHS/OS/OCR (09-90-0050)," and the "Complaint File and Log, HHS/

OS/OCR (09-90-0051)." PIMS is a new integrated system with enhanced electronic storage, retrieval and tracking capacities. The final rule exempts the investigative records in PIMS from the notification, access, correction and amendment provisions of the Privacy Act, 5 U.S.C. 552a, pursuant to subsection (k)(2), which applies to investigative materials compiled for law enforcement purposes.

**DATES:** This is effective on November 6, 2003.

**FOR FURTHER INFORMATION CONTACT:** Norman Oslik, Chief Information Officer, Office for Civil Rights, Department of Health and Human Services, Room 509F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. Telephone number: (202) 619-0553. (TTY No. 1-800-537-7697).

**SUPPLEMENTARY INFORMATION:** The Office for Civil Rights (OCR) is responsible for enforcing Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and other statutes that prohibit discrimination by

programs or entities that receive Federal financial assistance. Additionally, OCR has jurisdiction over Federally conducted programs in cases involving disability based discrimination under section 504 of the Rehabilitation Act, over state and local public entities in cases involving disability based discrimination under Title II of the Americans with Disabilities Act of 1990 and certain health plans, health clearing houses, and health care providers with respect to enforcement of medical privacy obligations under the Health Insurance Portability and Accountability Act (HIPAA).

Formerly, OCR maintained two systems of records: The "Case Information Management System (CIMS) HHS/OS/OCR (09-90-0050)," and the "Complaint File and Log, HHS/OS/OCR (09-90-0051)." CIMS included the Case Activity Tracking System (CATS) which was created to use newer technology (*i.e.*, moved CIMS off a mainframe computer onto a local network environment), but continued to collect and store the same information as in CIMS. Records maintained in the Complaint File and Log were exempted