

**PART 498—APPEALS PROCEDURES FOR DETERMINATIONS THAT AFFECT PARTICIPATION IN THE MEDICARE PROGRAM AND FOR DETERMINATIONS THAT AFFECT THE PARTICIPATION OF CERTAIN ICFs/MRs AND CERTAIN NFs IN THE MEDICAID PROGRAM**

1. The authority citation for part 498 continues to read as follows:

**Authority:** Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

2. In § 498.3, paragraph (a) is revised to read as follows:

**§ 498.3 Scope and applicability.**

(a) *Scope.* (1) This part sets forth procedures for reviewing initial determinations that HCFA makes with respect to the matters specified in paragraph (b) of this section, and that the OIG makes with respect to the matters specified in paragraph (c) of this section. It also specifies, in paragraph (d) of this section, administrative actions that are not subject to appeal under this part.

(2) The determinations listed in this section affect participation in the Medicare program. Many of the procedures of this part also apply to other determinations that do not affect participation in Medicare. Some examples follow:

(i) HCFA's determination to terminate an NF's Medicaid provider agreement.

(ii) HCFA's determination to cancel the approval of an ICF/MR under section 1910(b) of the Act.

(iii) HCFA's determination, under the Clinical Laboratory Improvement Act (CLIA), to impose alternative sanctions or to suspend, limit, or revoke the certificate of a laboratory even though it does not participate in Medicare.

(3) The following parts of this chapter specify the applicability of the provisions of this part 498 to sanctions or remedies imposed on the indicated entities:

(i) Part 431, subpart D—for nursing facilities (NFs).

(ii) Part 488, subpart E (§ 488.330(e))—for SNFs and NFs.

(iii) Part 493, subpart R (§ 493.1844)—for laboratories.

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: April 28, 1999.

**Neil J. Stillman,**

*Deputy Assistant, Secretary for Information Resources Management.*

[FR Doc. 99-11510 Filed 5-7-99; 8:45 am]

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**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 64**

[Docket No. FEMA-7712]

**List of Communities Eligible for the Sale of Flood Insurance**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

**EFFECTIVE DATES:** The dates listed in the third column of the table.

**ADDRESSES:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Shea, Jr., Division Director, Program Support Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-3619.

**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 measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities

listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Associate Director finds that the delayed effective dates would be contrary to the public interest. The Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

**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 certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

**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]**

**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:

1. The authority citation for part 64  
continues to read as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date
<b>NEW ELIGIBLES—Emergency Program</b>			
North Dakota:			
Braddock, city of, Emmons County .....	380260	March 29, 1999 .....	
Chippewa Indian Reservation, Turtle Mountain Band of, Rolette County.	380714	.....do .....	
Rolette County, unincorporated areas .....	380101	.....do .....	
<b>NEW ELIGIBLES—Regular Program</b>			
Georgia:			
Marshallville, city of, Macon County .....	130536	March 19, 1999 .....	April 3, 1996.
North Carolina:			
<sup>1</sup> Middlesex, town of, Nash County .....	370445	.....do .....	January 20, 1982.
Washington:			
Rainier, town of, Thurston County .....	530260	March 29, 1999 .....	NSFHA.
<b>REINSTATEMENTS</b>			
Georgia:			
Ivey, town of, Wilkerson County .....	130420	August 6, 1986 Emerg., June 3, 1986 Reg., June 3, 1986 Susp., March 19, 1999 Rein.	June 3, 1986.
Wisconsin:			
Kohler, village of, Sheboygan County .....	550426	May 13, 1975 Emerg., April 2, 1991 Reg., April 2, 1991 Susp., March 31, 1999 Rein.	April 2, 1991.
<b>REGULAR PROGRAM CONVERSIONS</b>			
<b>Region II</b>			
New Jersey:			
Ewing, township of, Mercer County .....	345294	March 9, 1999 Suspension Withdrawn. ....	March 9, 1999.
<b>Region VI</b>			
Louisiana:			
Delhi, town of, Richland Parish .....	220155	.....do .....	Do.
Texas:			
Cameron County, unincorporated areas .....	480101	.....do .....	Do.
Mount Pleasant, city of, Titus County .....	480621	.....do .....	Do.
Muenster, city of, Cooke County .....	480767	.....do .....	Do.
South Padre Island, town of, Cameron County	480115	.....do .....	Do.
<b>Region IX</b>			
Arizona:			
Yavapai County, unincorporated areas .....	040093	.....do .....	Do.
<b>Region II</b>			
New Jersey:			
Barneget Light, borough of, Ocean County .....	345280	March 23, 1999 Suspension Withdrawn .....	March 23, 1999.
Beach Haven, borough of, Ocean County .....	345282	.....do .....	Do.
Harvey Cedars, borough of, Ocean County .....	345296	.....do .....	Do.
Long Beach, township of, Ocean County .....	345301	.....do .....	Do.
Ship Bottom, borough of, Ocean County .....	345320	.....do .....	Do.
New York: Barneveld, village of, Oneida County.	361569	.....do .....	Do.
<b>Region VI</b>			
Oklahoma: Osage County, unincorporated areas	400146	.....do .....	Do.
<b>Region VIII</b>			
Colorado:			
Larimer County, unincorporated areas .....	080101	.....do .....	Do.
Loveland, city of, Larimer County .....	080103	.....do .....	Do.
Wyoming:			
East Thermopolis, town of, Hot Springs County	560025	.....do .....	Do.
<b>Region IX</b>			
California:			
Yolo County, unincorporated areas .....	060423	.....do .....	Do.

<sup>1</sup>The Town of Middlesex has adopted the Nash County (CID #370278) Flood Insurance Rate Map dated January 20, 1982 panel 145.  
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension; With.—Withdrawn; NSFHA—Non Special Flood Hazard Area.

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

Issued: April 28, 1999.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 99-11668 Filed 5-7-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 1

[OST Docket No. 1; Amendment 1-298]

#### Organization and Delegation of Powers and Duties; Delegations to the Maritime Administrator

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

**ACTION:** Final rule.

**SUMMARY:** The Secretary of Transportation (Secretary) is delegating to the Maritime Administration his authority to make determinations concerning the employment of a vessel in the coastwise trade under section 502 and 503 of the "Coast Guard Authorization Act of 1998". Section 502 authorizes the Secretary to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade to eligible vessels as a small passenger vessel or an uninspected passenger vessel when, after notice and an opportunity to comment, a determination has been made that the employment of the vessel in coastwise trade will not adversely affect U.S. vessel builders and the coastwise trade business of any person who employs vessels built in the U.S. in that business. Section 503 authorizes the Secretary to revoke endorsements issued under section 502 when, after an opportunity for public comment, a determination has been made that a vessel's employment has substantially changed or has had a negative impact upon U.S. vessel builders or a coastwise trade business that employs vessels built in the United States.

**EFFECTIVE DATE:** May 10, 1999.

**FOR FURTHER INFORMATION CONTACT:** Richard Weaver, Chief, Division of Management and Organization, Maritime Administration, MAR-318, Room 7301, 400 Seventh Street, SW., Washington, DC 20590, Phone: (202) 366-2811; or Blane Workie, Office of

General Counsel (C-50), Department of Transportation, Room 10424, 400 Seventh Street, SW., Washington, DC 20590, Phone: (202) 366-4723.

**SUPPLEMENTARY INFORMATION:** The Secretary of Transportation is delegating to the Maritime Administrator his authority to make determinations under sections 502 and 503 of Public Law 105-383. Under section 502, the Secretary of Transportation may waive the U.S.-built vessel requirements of sections 12106 and 12108 of title 46 of the U.S.C., section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883). Section 502 authorizes the Secretary to issue a "certificate of documentation" with the appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel for an eligible vessel authorized to carry no more than 12 passengers for hire. However, the Secretary, after notice and an opportunity for public comment, must determine that the employment of the vessel in the coastwise trade will not adversely affect: (1) United States vessel builders; or (2) the coastwise trade business of any person who employs vessels built in the United States in that business.

The Secretary delegates this authority to make determinations to the Maritime Administrator because the Maritime Administration assists domestic shippers in locating suitable coastwise trade eligible vessels and is best suited to determine the effect and substantiality of vessel waivers of the coastwise trade laws on U.S. vessel builders and U.S.-built vessel coastwise trade businesses, including the economic development of affected ports and communities. The Coast Guard issues vessel documents and endorsements for vessels granted waivers under section 502. See 49 CFR 1.46(d). The Coast Guard and the Maritime Administration will coordinate the processing of requests for waivers under section 502.

Under section 503, the Secretary has the authority to revoke endorsements issued under section 502 when, after an opportunity for public comment, the Secretary makes a determination that the employment of a vessel in the coastwise trade has substantially changed since the issuance of an endorsement under section 502 of Public Law 105-383. The Secretary

delegates this authority to make determinations under section 503 to the Maritime Administration for the same reasons given above for delegating the authority to make determinations under section 502. Upon making the determination that the employment of a vessel in the coastwise trade has substantially changed and the vessel is no longer eligible for a coastwise endorsement, the Maritime Administration will coordinate with the Coast Guard for revocation of applicable endorsements.

Since this amendment relates to departmental organization, procedure and practice, notice and comment are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the Maritime Administration's ability to meet the statutory intent of title V, Public Law 105-383, covered by this delegation, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

#### List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended, effective upon publication, to read as follows:

#### PART 1—[AMENDED]

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

**Authority:** 49 U.S.C. 322; Public Law 101-552, 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2).

2. In § 1.66 (Delegations to Maritime Administrator) the following paragraph (cc) is added at the end thereof.

#### §1.66 Delegations to Maritime Administrator.

\* \* \* \* \*

(cc) Carry out the functions and exercise the authority vested in the Secretary to make the necessary determinations concerning the employment of a vessel under sections 502 and 503 of title V, Pub. L. 105-383, titled the Coast Guard Authorization Act of 1998.

Issued at Washington, DC, this 27th day of April, 1999.

**Rodney E. Slater,**

*Secretary of Transportation.*

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