

6. *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 906

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 22, 1996.

Russell F. Price,

Acting Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 906—COLORADO

1. The authority citation for part 906 continues to read as follows:

Authority: 30 U.S.C 1201 *et seq.*

2. Section 906.15 is amended by adding paragraph (v) to read as follows:

§ 906.15 Approval of regulatory program amendments.

* * * * *

(v) The following revised statutes, as submitted to OSM on August 13 and 27, 1996, are approved effective November 22, 1996:

C.R.S. 34-33-103 (1), (7), (14), (21), and (26), definitions of "Administrator," "Division," "Operator," "Person," and "Surface coal mining operations;"

C.R.S. 34-33-108(1), rules and regulations promulgated pursuant to its Act which shall be no more stringent than required to be as effective as SMCRA and the Federal regulations;

C.R.S. 34-33-108(2), automatic repeal of a State regulation within ninety days after the corresponding Federal law, rule, or regulation is repealed, deleted, or withdrawn, and allowance, upon request, for a rule-making hearing prior to such repeal;

C.R.S. 34-33-110(4), requirements for permit applications;

C.R.S. 34-33-115(1)(c), applications for extension of area covered by an existing permit by a permit revision;

C.R.S. 34-33-121(2)(a)(II), requirements for mitigation of subsidence-caused material damage to any occupied residential dwelling and related structures or any noncommercial building;

C.R.S. 34-33-123(13) (a) and (b), enforcement of improvidently issued permits;

C.R.S. 34-33-125 (4) and (8), release of performance bonds;

C.R.S. 34-33-127, entities subject to the requirements of Colorado's Act;

C.R.S. 34-33-129(1)(a), requirements of Colorado's Act for the extraction of coal by a landowner for his own use;

C.R.S. 34-33-129(1)(b), deletion of the exemption from the requirements of Colorado's Act for coal extraction affecting 2-acres or less;

C.R.S. 34-33-133(2), authorization to collect funds for the abandoned mine reclamation plan; and

C.R.S. 34-33-133.5 (1) and (2), coal mine subsidence protection program.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R]

RIN-0720-AA26

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Five Separate Changes

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule addresses five separate changes to comply with provisions affecting CHAMPUS. These changes will update this part to include as a benefit, a screen to check for the level of lead in the blood of an infant; to eliminate the implied statement that ambulance services are covered only to, from, and between hospitals; to include other forms of prescribed contraceptives by eliminating the reference that limits prescribed contraceptives only to those taken orally; to identify three additional Gulf Conflict groups eligible for the delay in the increased deductible; and to establish lower limits on the fiscal year catastrophic cap from \$10,000 to \$7,500 for all eligibles except dependents of active duty personnel, whose limit remains at \$1,000.

EFFECTIVE DATE: This final rule is effective February 20, 1997 except for the changes in section 199.4 which are listed below:

1. Paragraph (c)(3)(xi)(A)(7) is effective December 5, 1991;

2. Paragraph (e)(3)(i)(A)(3) is effective October 29, 1992;

3. Paragraph (f)(2)(i)(G) is effective on October 1, 1991; and

4. Paragraph (f)(10) is effective on October 1, 1992.

ADDRESSES: Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Program Development Branch, Aurora, CO 80045-6900.

FOR FURTHER INFORMATION CONTACT: Margaret Brown, Program Development Branch, OCHAMPUS, telephone (303) 361-1181.

SUPPLEMENTARY INFORMATION: A proposed rule regarding these changes was published in the Federal Register on March 21, 1995 (60 FR 14920). Our responses to those comments received regarding the proposed rule may be found in the review of comments section of this final rule.

32 CFR 199.4 lists Basic Program benefits including exclusions and limitations. Paragraph (c) defines, in general terms, the scope of reimbursable services provided by physicians and other authorized individual professional providers; paragraph (e) extends benefits under certain circumstances, to conditions and limitations that are subject to applicable definitions, conditions, or exclusions that are set forth in this or other sections of this part; and paragraph (f) identifies the liabilities, in the form of cost-shares and deductibles, to be paid by beneficiaries or sponsors.

Well-baby care: Paragraph (c)(3)(xi), provides for certain well-baby care services for infants up to the age of two years. A paragraph (c)(3)(xi)(A)(7) is added to list blood lead test as a benefit for infants. This change is effective for services provided on or after December 5, 1991.

Ambulance service: Ambulance services are covered between points deemed to be medically necessary for the covered medical condition, therefore, the restrictive language, "to, from, and between hospitals" is removed from paragraph (d)(3)(v).

Family planning: Paragraph (e)(3) provides for a family planning benefit. Paragraph (e)(3)(i)(A)(3) of this section allows benefits for prescribed oral contraceptives. With the development of new methods of contraception, prescribed contraceptives are no longer limited to those taken orally. We have, therefore, amended that paragraph by removing the word "oral" to expand the coverage accordingly.

Financial liability-deductibles: Under paragraph (f) of this section, CHAMPUS beneficiaries and sponsors have some financial responsibility when medical care is received from civilian sources. Financial liability is imposed in order to encourage use of the Uniformed Services direct medical care system whenever facilities and services are available. Beneficiaries are responsible for payment of certain deductibles and cost-sharing amounts in connection with otherwise covered services and supplies. The cost-share and deductible

amounts are controlled by statute and subject to change by congressional action. Previous legislation had deferred a statutory increase in the deductible amount from April 1, 1991 to October 1, 1991, for dependents of active duty members who served in the Gulf Conflict. The National Defense Authorization Act for Fiscal Year 1993 contains language which prompts a revision of paragraph (f)(2)(i)(G) of this section to identify three new groups of Gulf Conflict beneficiaries, besides the dependents of active duty members, eligible for the delay in the increased deductibles, and to allow credit or reimbursement of excess amounts inadvertently paid by those groups subject to availability of appropriated funds.

Catastrophic loss: The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Pub. L. 100-180) amended Title 10, United States Code and established catastrophic loss protection for CHAMPUS beneficiaries on a government fiscal year basis. The law placed fiscal year limits or catastrophic caps on beneficiary liability for cost-shares and deductibles under the CHAMPUS Basic Program. After the fiscal year cap is met by the beneficiary, the CHAMPUS-determined allowable amounts for all covered services or supplies received under the Basic Program are to be paid in full by CHAMPUS.

For dependents of active duty members, the maximum family liability is \$1,000 for deductibles and cost-shares based on allowed charges for the Basic Program services and supplies received in a fiscal year. For all other categories of beneficiary families, the previous fiscal year cap of \$10,000 under Public Law 100-180 has been reduced under the 1993 Defense Authorization Act (Pub. L. 102-484) to \$7,500. This final rule implements the law which reduces the fiscal year catastrophic loss protection cap for all categories of beneficiaries other than those of active duty dependents, effective for Basic Program services and supplies received on or after October 1, 1992.

Review of Comments

As a result of the proposed rule, the following comments were received from interested associations and agencies.

Comment: The Air Force Consultant for Pediatrics recommended that the blood lead level screening should be extended to siblings above the age of two years in cases where an infant tested positive on the initial lead level screen.

Response: The inclusion of a lead level screening in the absence of

symptoms was promulgated by statute in 10 U.S.C. chapter 55, section 1077(a)(8), and covers only infants. Other necessary laboratory services for all CHAMPUS eligibles are available through Chapter 4 of DoD 6010.8-R, to confirm or establish suspected symptoms.

Comment: One comment suggested that we reconsider removing the long-standing exclusion of aversion therapy for the treatment of alcoholism as CHAMPUS currently reimburses less intrusive therapies.

Response: We based our intent to remove the long-standing exclusion of aversion therapy on an assessment performed by the Agency for Health Care Policy and Research. The assessment concluded that chemical aversion conditioning is no less effective than other therapies for alcoholism when it is provided following the failure of less intrusive therapies. To be certain that the removal of the exclusionary language was in the best interest of our beneficiaries, we performed a literature search looking for well-controlled studies of clinically meaningful endpoints, published in the referred medical literature that would support that chemical aversion therapy was safe, effective and comparable to current therapies. Failing to find such well-controlled studies, we agree that the exclusion of chemical aversion therapy should remain.

Summary of Regulatory Modifications

The following modifications were made as a result of suggestions received during the public comment period:

(1) Paragraph (e)(3)(i)(A)(3) was amended to read, "Prescription contraceptives."

(2) Several editorial comments were received. All of these comments were adopted and incorporated into the final rule.

Regulatory Procedures: Executive Order 12866 requires that a regulatory impact analysis be performed on any major rule. A "major rule" is defined as one which would result in an annual effect on the national economy of \$100 million or more or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This final rule is not a major rule under Executive Order 12866, and it would not have a significant impact on a substantial number of small entities.

The changes set forth in this final rule are minor revisions to the existing part. This rule does not impose information collection requirements. Therefore, it does not need to be reviewed by the Executive Office of Management and Budget under authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, and Military personnel.

Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.4 is amended by adding paragraph (c)(3)(xi)(A)(7); by revising paragraph (e)(3)(i)(A)(3) and the first sentence of both paragraphs (d)(3)(v) and (f)(2)(i)(G); and by adding paragraph (f)(10) to read as follows:

§ 199.4 Basic program benefits.

* * * * *

(c) * * *

(3) * * *

(xi) * * *

(A) * * *

(7) Blood lead test. (Effective date December 5, 1991.)

* * * * *

(d) * * *

(3) * * *

(v) *Ambulance.* Civilian ambulance service is covered when medically necessary in connection with otherwise covered services and supplies and a covered medical condition.

* * * * *

(e) * * *

(3) * * *

(i) * * *

(A) * * *

(3) Prescription contraceptives.

* * * * *

(f) * * *

(2) * * *

(i) * * *

(G) Notwithstanding the dates specified in paragraphs (f)(2)(i)(A) and (f)(B)(2)(i) of this section in the case of dependents of active duty members of rank E-5 or above with Persian Gulf Conflict service, dependents of service members who were killed in the Gulf, or who died subsequent to Gulf service, and of members who retired prior to October 1, 1991, after having served in the Gulf War, the deductible shall be the amount specified in paragraph (f)(2)(i)(A) of this section for care

rendered prior to October 1, 1991, and the amount specified in paragraph (f)(2)(i)(B) of this section for care rendered on or after October 1, 1991.

* * * * *

(10) *Catastrophic loss protection for basic program benefits.* Fiscal year limits, or catastrophic caps, on the amounts beneficiaries are required to pay are established as follows:

(i) *Dependents of active duty members.* The maximum family liability is \$1,000 for deductibles and cost-shares based on allowable charges for Basic Program services and supplies received in a fiscal year.

(ii) *All other beneficiaries.* For all other categories of beneficiary families (including those eligible under CHAMPVA) the fiscal year cap is \$10,000.

(iii) *Payment after cap is met.* After a family has paid the maximum cost-share and deductible amounts (dependents of active duty members \$1,000 and all others \$10,000), for a fiscal year, CHAMPUS will pay allowable amounts for remaining covered services through the end of that fiscal year.

Note to paragraph (f)(10): Under the Defense Authorization Act for Fiscal Year 1993, the cap for beneficiaries other than dependents of active duty members was reduced from \$10,000 to \$7,500 on October 1, 1992. The cap remains at \$1,000 for dependents of active duty members.

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Dated: November 14, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96-29571 Filed 11-21-96; 8:45 am]

BILLING CODE 5000-04-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7653]

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 DATE: 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 Implementation 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 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 Director finds that the delayed effective dates would be contrary to the public interest. The 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 Executive 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]

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 of eligibility	Current effective map date
NEW ELIGIBLES—Emergency Program			
North Dakota: Griggs County, unincorporated areas	380685	October 2, 1996	