

IV. Regulatory Impact Statement

Consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), we prepare a regulatory flexibility analysis unless we certify that a rule will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, all laboratories are considered to be small entities. Individuals and states are not included in the definition of a small entity.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. That analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

Extending the phase-in periods will continue the quality control requirements in effect prior to September 1, 1996, allow additional time to make further determinations regarding revision to the quality control requirements, and not change costs, savings, burden, or opportunities to manufacturers, laboratories, individuals administering tests, or patients receiving the tests.

For these reasons, we have determined, and the Secretary certifies, that this regulation does not result in a significant impact on a substantial number of small entities and does not have a significant effect on the operations of a substantial number of small rural hospitals. Therefore, we are not preparing analyses for either the RFA or section 1102(b) of the Act because we have determined, and we certify, that this rule will not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

V. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. However, we will consider all comments we receive on the date extensions described in this rule by the date and time specified in the **ADDRESSES** section of this preamble,

and, if we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

List of Subjects in 42 CFR Part 493

Grant programs—health, Health facilities, Laboratories, Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR chapter IV is amended as follows:

PART 493—LABORATORY REQUIREMENTS

1. The authority citation for part 493 is revised to read as follows:

Authority: Sec. 353 of the Public Health Service Act, secs. 1102, 1861(e), and the sentence following sections 1861(s)(11) through 1861(s)(16) of the Social Security Act (42 U.S.C. 263a, 1302, 1395x(e), and the sentence following 1395x(s)(11) through 1395x(s)(16)).

§ 493.1202 [Amended]

2. In § 493.1202, in the section heading, remove “September 1, 1996.” and add in its place “July 31, 1998.”

§ 493.1203 [Amended]

3. In § 493.1203, in the section heading, remove “September 1, 1996.” and add in its place “July 31, 1998.”

§ 493.1443 [Amended]

4. Section 493.1443 is amended as set forth below:

a. In § 493.1443(b)(3)(ii) introductory text, remove “September 1, 1996,” and add in its place “July 31, 1998.”

b. In § 493.1443(b)(3)(ii)(C), remove “September 1, 1996,” and add in its place “July 31, 1998.”

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

Dated: December 17, 1996.

David Satcher,

Director, Centers for Disease Control and Prevention.

Dated: December 20, 1996.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

Dated: January 28, 1997.

Donna E. Shalala,

Secretary.

[FR Doc. 97-12271 Filed 5-9-97; 8:45 am]

BILLING CODE 4120-01-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations 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 base flood elevations and modified base flood elevations 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 base flood elevations 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: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations 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 base flood elevations and proposed modified base flood elevations 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 base flood elevations and modified base flood elevations 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 Executive Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations 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 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. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
ARIZONA		Santa Cruz County (Unincorporated Areas) (FEMA Docket No. 7188)	
Apache County (Unincorporated Areas) (FEMA Docket No. 7198)		Santa Cruz River:	
<i>Nutrisio Creek:</i>		At Santa Cruz-Pima County limits	*3,029
At Nelson Reservoir	*7,416	At confluence with Sopori Wash	*3,035
At confluence of Milk Creek (limit of detailed study)	*7,777	Approximately 600 feet upstream of confluence with Sopori Wash	*3,037
<i>Colter Creek:</i>		Approximately 800 feet downstream of convergence with flow east of Southern Pacific Railroad	*3,040
At County Road 2112	*7,595	At convergence with flow east of Southern Pacific Railroad	*3,042
Approximately 10,800 feet upstream of County Road 2112	*7,772	Sopori Wash:	
Maps are available for inspection at 75 West Cleveland, St. Johns, Arizona.		At confluence with Santa Cruz River	*3,036
Pima County (Unincorporated Areas) (FEMA Docket No. 7181)		Approximately 250 feet upstream of Santa Cruz River	*3,036
<i>Santa Cruz River:</i>		Approximately 530 feet upstream of Santa Cruz River	*3,036
Just upstream of Pima Mine Road	*2,668	Maps are available for inspection at the Santa Cruz County Flood Control District and Flood Plain Administration, 2150 North Congress Drive, Nogales, Arizona.	
4,650 feet upstream of Pima Mine Road	*2,673	Tucson (City), Pima County (FEMA Docket No. 7198)	
3,850 feet downstream of Sahura Rita Road	*2,698	Anklam Wash:	
Just upstream of Sahura Rita Road	*2,711	Approximately 2,750 feet upstream of confluence with Silvercroft Wash	*2,345
1,870 feet upstream of Sahura Rita Road	*2,716	At Greasewood Road	*2,398
3,350 feet downstream of U.S. Highway 89	*2,741	"A" Wash:	
Just upstream of U.S. Highway 89	*2,751	Approximately 750 feet upstream of confluence with Anklam Wash	*2,357
1,770 feet upstream of U.S. Highway 89	*2,758	Approximately 2,000 feet upstream of confluence with Anklam Wash	*2,379
11,270 feet upstream of U.S. Highway 89	*2,790	Maps are available for inspection at the Tucson City Engineer's Office, County-City Public Works Building, 201 North Stone Avenue, Third Floor, Tucson, Arizona.	
5,010 feet downstream of Continental Road	*2,829	CALIFORNIA	
370 feet upstream of Continental Road	*2,850	Alameda County (Unincorporated Areas) (FEMA Docket No. 7188)	
7,340 feet upstream of Continental Road	*2,869	Arroyo Mocho:	
12,410 feet upstream of Continental Road	*2,888	At corporate limit with City of Pleasanton (500 feet upstream of confluence of Arroyo Las Positas)	*351
21,540 feet upstream of Continental Road	*2,924	Just upstream of El Charro Road	*357
19,800 feet downstream of Pima County-Santa Cruz County corporate limits	*2,960	Arroyo Las Positas:	
7,128 feet downstream of Pima County-Santa Cruz County corporate limits	*3,004	At confluence with Arroyo Mocho	*345
500 feet downstream of Pima County-Santa Cruz County corporate limits	*3,029		
Just downstream of Pima County-Santa Cruz County corporate limits	*3,030		
Maps are available for inspection at the Pima County Department of Transportation and Flood Control District, Public Works Building, 201 North Stone Avenue, Tucson, Arizona.			

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
Just downstream of El Charro Road	*355	Madera County (Unincorporated Areas) (FEMA Docket No. 7206)		Approximately 150 feet downstream of Seventh Street	*248
Collier Canyon Creek:				Just downstream of 12th Street At Garcia Street	*267 #3
At confluence of Collier Canyon Tributary at Las Positas College Road	*443	Fresno River:		Profile Base Line No. 3:	
Approximately 5,000 feet upstream of Las Positas College Road	*490	Just upstream of State Highway 41	*2,253	Approximately 400 feet downstream of Orchard Street	None
Collier Canyon Tributary:		Approximately 1,100 feet upstream of Road 426	*2,262	Approximately 200 feet upstream of Gatewood Lane ...	None
Approximately 1,000 feet upstream of confluence with Collier Canyon Creek	*455	China Creek:		Maps for the City of Santa Paula are available for inspection at 200 South Tenth, Santa Paula, California, and for the unincorporated areas of Ventura County at 800 South Victoria Avenue, Ventura, California.	
Approximately 500 feet south of bend in Hartman Road	*534	Approximately 500 feet upstream of confluence with Fresno River	*2,256		
Maps are available for inspection at the Alameda County Public Works Agency, 399 Elmhurst Street, Hayward, California.		Approximately 4,160 feet upstream of Road 425-B	*2,363		
		Oak Creek:			
		At confluence with Fresno River	*2,262		
		Just upstream of Road 428	*2,342	Simi Valley (City), Ventura County (FEMA Docket No. 7194)	
		Oak Creek Tributary:		Arroyo Simi:	
		Approximately 500 feet upstream of confluence with Oak Creek	*2,310	Approximately 2,800 feet downstream of Madera Road	*680
Dublin (City), Alameda County (FEMA Docket No. 7188)		Approximately 1,100 feet upstream of confluence with Oak Creek	*2,315	Approximately 4,450 feet upstream of Rockingham Drive	*1,118
Dublin Creek:		Maps are available for inspection at the Madera County Department of Engineering and General Service, 135 West Yosemite Avenue, Madera, California.		At intersection of Tierra Rejada and Madera Roads	#2
Just west of I-580 and I-680 Interchange	*332			At intersection of Moreland and Madera Roads	#3
Just upstream of Donlon Way	*380			At intersection of Los Angeles Avenue and Sinaloa Road ...	#1
Approximately 1,000 feet upstream of Donlon Way	*382			At intersection of Royal Avenue and Fourth Street	#2
Line J-1:				Bus Canyon:	
At confluence with Alamo Canal	*328			Approximately 350 feet downstream of Los Angeles Avenue	*746
Approximately 300 feet upstream of Bellina Street	*405	Modoc County (Unincorporated Areas) (FEMA Docket No. 7206)		Approximately 225 feet upstream of Bennet Street	*836
Line J-3:		Bidwell Creek:			
At confluence with Line J-1 (just north of Amador Valley Boulevard)	*339	Approximately 2,300 feet downstream of Fee Street ...	*4,497		
Just upstream of Silvergate Drive	*420	Approximately 1,800 feet upstream of North Street	*4,595	Bus Canyon Tributary:	
Line J-4:		Maps are available for inspection at the Modoc County Planning Department, 202 West Fourth Street, Alturas, California.		At Village Court	*781
At confluence with Line J-3	*359			Approximately 2,000 feet upstream of Dakin Avenue	*809
At Silvergate Drive (extended)	*362			At Fourth Street	#2
Line J-5:				Dry Canyon:	
Just west of Ramon Road	*386			At confluence with Arroyo Simi	*832
Maps are available for inspection at the City of Dublin Building Department, City Hall, 100 Civic Plaza, Dublin, California.		Santa Paula (City) and Ventura County (Unincorporated Areas) (FEMA Docket No. 7206)		Approximately 1,150 feet upstream of Alamo Street	*1,012
		Santa Paula Creek:		Erringer Creek:	
		At Southern Pacific Railroad (SPRR)	*319	At Erringer Road	*821
Livermore (City), Alameda County (FEMA Docket No. 7188)		Approximately 4,500 feet upstream of SPRR	*400	Approximately 1,600 feet upstream of Fitzgerald Road ...	*862
Collier Canyon Creek:		Approximately 3,500 feet downstream of Rafferty Road	*536	Las Lajas Canyon:	
Just north of Interstate 580 frontage road	*412	Profile Base Line No. 1:		At confluence with Arroyo Simi	*966
Just downstream of Collier Canyon Road	*437	Approximately 550 feet downstream of Say Road	None	Approximately 11,100 feet upstream of Alamo Street	*1,141
At confluence of Collier Canyon Tributary	*443	Approximately 2,450 feet upstream of Hawthorne Street	None	North Simi Drain:	
Maps are available for inspection at the City of Livermore Planning Department, 1052 South Livermore Avenue, Livermore, California.		Profile Base Line No. 2:		At confluence with Arroyo Simi	*743
		At Outer Drive	*240	Approximately 300 feet upstream of Simi Valley Freeway	*902
				Tapo Canyon:	
				At confluence with Arroyo Simi	*860
				Approximately 700 feet upstream of Simi Valley Freeway	*999

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
<i>White Oak Creek:</i> At Simi Valley Freeway Approximately 960 feet upstream of Simi Valley Freeway	*1,081 *1,103	Approximately 14,000 feet upstream of State Highway 96 <i>Surprise Creek:</i> Approximately 600 feet downstream of American Road Just downstream of Taylor Street	*1,648 *1,662 *1,672	Approximately 250 feet downstream of Sugar House Road <i>Bayou Boeuf:</i> At Interstate Highway 49 Approximately 1,000 feet downstream of State Highway 488	*72 *71 *74
<i>Arroyo Simi Overflow North of SPRR:</i> At confluence with Las Lajas Canyon Approximately 2,300 feet upstream of confluence with Las Lajas Canyon	*978 *986	<i>Salt Creek:</i> Approximately 3,000 feet downstream of American Road Just downstream of American Road	*1,655 *1,666	Approximately 1,600 feet downstream of Massina Road <i>Bayou Rapides Diversion Channel:</i> At confluence with Bayou Boeuf At State Highway 488 Approximately 7,000 feet downstream of State Highway 28	*80 *71 *72 *73
Maps are available for inspection at the City of Simi Valley Public Works Department, 2929 Tapo Canyon Road, Simi Valley, California.		Maps are available for inspection at the Rice County Courthouse, 101 West Commercial, Lyons, Kansas.			
KANSAS		Sterling (City), Rice County (FEMA Docket No. 7206)		<i>Bayou Rapides:</i> At U.S. Highway 1 (Bolton Avenue) At confluence of Irish Ditch No. 2 Approximately 2,500 feet downstream of Robinson Road Approximately 5,000 feet downstream of Cooper Road	
Finney County (Unincorporated Areas) (FEMA Docket No. 7206)		<i>Arkansas River:</i> At Highway 96 Approximately 7,000 feet upstream of Highway 96	*1,637 *1,642	<i>Irish Ditch No. 2:</i> At State Highway 498 Approximately 500 feet downstream of Chapel Road Approximately 250 feet downstream of Harold Miles Park Road	*80 *81 *82 *83
<i>Arkansas River:</i> Approximately 11,100 feet downstream of confluence of Ditch No. 1 Approximately 5,000 feet upstream of Main Street	*2799 *2,890	Maps are available for inspection at the City of Sterling City Hall, 114 North Broadway, Sterling, Kansas.		<i>Big Bayou:</i> Approximately 2,500 feet downstream of Jimmy Brown Road At confluence of Saline Bayou and Bayou Bertrand	*82 *83
Maps are available for inspection at the Finney County Courthouse, 425 North Eighth Street, Garden City, Kansas.		LOUISIANA		<i>Flagon Bayou:</i> Just downstream of Kansas City Southern Railroad Approximately 740 feet upstream of Hooper Road Approximately 4,200 feet upstream of Hooper Road at Grant-Rapides Parish line	
Garden City (City), Finney County (FEMA Docket No. 7206)		Alexandria (City), Rapides Parish (FEMA Docket No. 7166)		<i>Big Creek:</i> At State Highway 115 <i>Cainey Creek:</i> At State Highway 1206	*81 *82 *83 *141 *146 *151 *62 *62
<i>Arkansas River:</i> Approximately 3,700 feet downstream of U.S. Highway 83 Approximately 6,000 feet upstream of U.S. Highway 83 ..	*2,829 *2,841	<i>Bayou Rapides:</i> At Bolton Avenue (Route 1) Approximately 3,100 feet downstream of Plantation Road <i>Irish Ditch No. 2:</i> At Airbase Road At confluence of Big Bayou	*80 *81 *82 *83	Maps are available for inspection at the Rapides Parish Planning Commission, 5610 East Coliseum Boulevard, Alexandria, Louisiana.	
Maps are available for inspection at the City of Garden City Administration Center, 301 North Eighth Street, Garden City, Kansas.		<i>Big Bayou:</i> Approximately 5,200 feet upstream of confluence with Irish Ditch No. 2 <i>Bayou Rapides Diversion Channel:</i> At Dixie Lane extended Just downstream of Bayou Rapides Road	*83 *71 *74	NEBRASKA	
Holcomb (City), Finney County (FEMA Docket No. 7206)		Maps are available for inspection at the City of Alexandria Utility Building, 1546 Jackson Street, Second Floor, Alexandria, Louisiana.		Bayard (City), Morrill County (FEMA Docket No. 7206)	
<i>Arkansas River:</i> At downstream corporate limit (adjacent to Nunn Drive) At upstream corporate limit	*2,873 *2,885	Rapides Parish (Unincorporated Areas) (FEMA Docket No. 7166)		<i>Wildhorse Drain:</i> Just upstream of Main Street .. Just downstream of Eighth Street	*3,755 *3,762
Maps are available for inspection at the City of Holcomb City Hall, 200 North Lynch, Holcomb, Kansas.		<i>Chatlin Lake Canal:</i> At Chaneyville-Echo Road Just upstream of State Highway 457	*58 *63		
Rice County (Unincorporated Areas) (FEMA Docket No. 7206)		Approximately 2,200 feet downstream of State Highway 3170	*67		
<i>Arkansas River:</i> Approximately 7,500 feet downstream of State Highway 96	*1,627				

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
Maps are available for inspection at the City of Bayard City Hall, 445 Main Street, Bayard, Nebraska.		Approximately 200 feet upstream of FM Road 3101 <i>South Fork Leon River:</i> Approximately 100 feet downstream of Bassett Street Approximately 3,200 feet upstream of Bassett Street Maps are available for inspection at 416 South Seaman Street, Eastland, Texas.	*1,460 *1,442 *1,443
NEW MEXICO			
Chama (Village), Rio Arriba County (FEMA Docket No. 7198)		(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance") Dated: April 23, 1997. Richard W. Krimm, <i>Executive Associate Director, Mitigation Directorate.</i> [FR Doc. 97-12369 Filed 5-9-97; 8:45 am] BILLING CODE 6718-04-P	
<i>Rio Chama:</i> Approximately 5,000 feet downstream of State Highway 17 Approximately 700 feet upstream of Cumbers Toltec Railroad	*7,717 *7,883		
<i>Rio Chamita:</i> Approximately 2,200 feet downstream of State Highway 64 Approximately 2,100 feet upstream of Escondido Road ..	*7,764 *7,864		
Maps are available for inspection at the Village of Chama Village Hall, 299 Fourth Street, Chama, New Mexico.		LEGAL SERVICES CORPORATION	
		45 CFR Part 1642	
		Attorneys' Fees	
Rio Arriba County (Unincorporated Areas) (FEMA Docket No. 7198)		AGENCY: Legal Services Corporation. ACTION: Final rule.	
<i>Rio Chama:</i> Approximately 3,000 feet downstream of County Road 343 Approximately 5,300 feet upstream of State Highway 17	*7,640 *7,925	SUMMARY: This final rule implements a restriction in the Legal Services Corporation's FY 1996 appropriations act that is currently incorporated by reference in the Corporation's FY 1997 appropriations act that prohibits LSC recipients from seeking attorneys' fees in cases filed on or after April 26, 1996. The rule clarifies the meaning of attorneys' fees and provides guidance on the scope of the restriction. DATES: This final rule is effective on June 11, 1997. FOR FURTHER INFORMATION CONTACT: Office of the General Counsel, (202) 336-8817. SUPPLEMENTARY INFORMATION: On May 19, 1996, the Operations and Regulations Committee ("Committee") of the Legal Services Corporation ("LSC" or "the Corporation") Board of Directors ("Board") requested the LSC staff to prepare an interim rule to implement section 504(a)(13) of the Corporation's FY 1996 appropriations act, Public Law 104-134, 110 Stat. 1321 (1996), prohibiting LSC recipients and their employees from claiming, or collecting and retaining attorneys' fees. The Committee held hearings on July 10 and 19, and the Board adopted an interim rule on July 20, which was published on August 29, 1996, in the	*7,678 *7,912
<i>Rio Chamita:</i> At confluence with Rio Chama Approximately 8,800 feet upstream of Escondido Road ..			
Maps are available for inspection at 810 North Riverside Drive, Espanola, New Mexico.			
TEXAS			
Eastland (City), Eastland County (FEMA Docket No. 7198)			
<i>North Fork Leon River:</i> At confluence with Tributary 1 Approximately 600 feet upstream of confluence with Tributary 3	*1,434 *1,440		
<i>Tributary 1:</i> At confluence with North Fork Leon River	*1,434		
Approximately 1,400 feet upstream of U.S. Highway 80 ..	*1,439		
<i>Tributary 2:</i> At confluence with North Fork Leon River	*1,435		
Approximately 5,200 feet upstream of Missouri Pacific Railroad	*1,461		
<i>Tributary 3:</i> At confluence with North Fork Leon River	*1,439		

Federal Register with a request for comments.

The interim rule was based, in part, on a prior version of 45 CFR part 1609, which included the Corporation's regulations dealing with attorneys' fees in relation to fee-generating cases. The Corporation decided to treat fee-generating cases and attorneys' fees in two separate rules. Revisions to the Corporation's fee-generating rule (part 1609) were published in a proposed rule and provisions implementing the new restriction on attorneys' fees (part 1642) were published as an interim rule on August 29, 1996. A final version of the fee-generating rule (part 1609) was published on April 21, 1997 (62 FR 19398).

The Corporation received 37 timely comments on the interim attorneys' fees rule and the Committee held public hearings on the rule on December 13, 1996, and March 7, 1997. The Committee made several revisions to the interim rule before recommending the final rule to the Board. The Board adopted the Committee's recommended version on March 8, 1997.

The Corporation's FY 1997 appropriations act became effective on October 1, 1996, see Public Law 104-208, 110 Stat. 3009. It incorporated by reference the § 504 condition on LSC grants included in the FY 1996 appropriations act implemented by this rule. Accordingly, the preamble and text of this rule continue to refer to the applicable section number of the FY 1996 appropriations act.

A section-by-section discussion of this final rule is provided below.

Section 1642.1 Purpose

The purpose of this rule is to ensure that LSC recipients and their employees do not seek or retain attorneys' fees awarded pursuant to Federal or State law, including common law, permitting or requiring such fees.

Section 1642.2 Definitions

This section first defines what is and what is not included in the term "attorneys' fees." The definition of attorneys' fees elicited much public comment, mostly on the issue of whether Social Security fees should be included. Strongly divergent views were held by the commenters and there was no consistent pattern among types of commenters, which generally included private attorneys, legal services programs and bar associations. Some argued that the statutory restriction was not intended to apply to attorneys' fees in Social Security cases, because such fees are paid pursuant to an agreement by the client to pay the fees out of the