

furnished to a beneficiary during the calendar day immediately preceding the date of the beneficiary's admission to the hospital that meet the following conditions:

(i) The services are furnished by the hospital or any entity wholly owned or operated by the hospital. An entity is wholly owned by the hospital if the hospital is the sole owner of the entity. An entity is wholly operated by a hospital if the hospital has exclusive responsibility for conducting and overseeing the entity's routine operations, regardless of whether the hospital also has policymaking authority over the entity.

(ii) For services furnished after January 1, 1991, the services are diagnostic (including clinical diagnostic laboratory tests).

(iii) For services furnished on or after October 1, 1991, the services are furnished in connection with the principal diagnosis that requires the beneficiary to be admitted as an inpatient and are not the following:

(A) Ambulance services.

(B) Maintenance renal dialysis.

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: October 17, 1997.

**Nancy-Ann Min DeParle,**

*Deputy Administrator, Health Care Financing Administration.*

Dated: December 11, 1997.

**Donna E. Shalala,**

*Secretary.*

[FR Doc. 98-3362 Filed 2-10-98; 8:45 am]

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA-7678]

#### 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management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.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:** 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 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/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region II</b>				
New Jersey: Monroe, township of, Middlesex County.	340269	Feb. 25, 1973, Apr. 17, 1985, Feb. 4, 1998, Emerg.; Reg.; Susp.	Feb. 4, 1998 .....	Feb. 4, 1998.
<b>Region III</b>				
Pennsylvania: North Heidelberg, township of, Berks County.	421086	Dec. 23, 1976, Mar. 18, 1983, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
<b>Region IV</b>				
South Carolina: Mullins, city of, Marion County.	450143	Aug. 4, 1975, June 3, 1986, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
<b>Region V</b>				
Wisconsin:				
Chetek, city of, Barron County .....	550012	Nov. 8, 1974, June 3, 1986, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Chippewa County, unincorporated areas	555549	Mar. 26, 1971, June 22, 1973, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Chippewa Falls, city of, Chippewa County.	550044	Apr. 16, 1971, Sept. 1, 1977, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Eau Claire, city of, Chippewa & Eau Claire Counties.	550128	Mar. 19, 1971, June 1, 1977, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
<b>Region VI</b>				
Arkansas:				
Faulkner County, unincorporated areas	050431	Sept. 24, 1990, Sept. 27, 1991, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Springdale, city of, Washington County	050219	Sept. 26, 1974, June 15, 1981, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Washington County, unincorporated areas.	050212	Jan. 24, 1991, Sept. 18, 1991, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
<b>Region VIII</b>				
South Dakota: Montrose, city of, McCook County.	460052	Dec. 16, 1975, Aug. 5, 1986, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
<b>Region X</b>				
Oregon: Curry County, unincorporated areas	410052	Mar. 19, 1971, Apr. 3, 1978, Feb. 4, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
<b>Region I</b>				
Connecticut: Wilton, town of, Fairfield County	090020	July 31, 1974, Nov. 17, 1982, Feb. 18, 1998, Emerg.; Reg.; Susp.	Feb. 18, 1998 ...	Feb. 18, 1998.
<b>Region III</b>				
Pennsylvania:				
Landingville, borough of, Schuylkill County.	420774	June 28, 1973, Aug. 15, 1977, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Port Clinton, borough of, Schuylkill County.	420784	Dec. 15, 1972, Feb. 1, 1980, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Winslow, township of, Jefferson County	421215	Dec. 30, 1976, July 3, 1990, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Virginia: Spotsylvania County, unincorporated areas.	510308	Feb. 25, 1977, Dec. 1, 1987, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
<b>Region VI</b>				
Arkansas: Cave City, city of, Sharp and Independence Counties.	050313	Dec. 10, 1982, May 1, 1985, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Texas:				

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Hays County, unincorporated County .....	480321	Sept. 23, 1982, June 16, 1993, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Kyle, city of, Hays County .....	481108	Apr. 15, 1975, Dec. 12, 1978, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
San Marcos, city of, Hays County .....	485505	Oct. 9, 1970, Aug. 27, 1971, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Woodcreek, city of, Hays County .....	481641	May 21, 1992, June 2, 1993, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
<b>Region VII</b>				
Missouri: Park Hills, city of, St. Francois County.	290920	Mar. 22, 1995, Feb. 18, 1998, Reg: Susp. ...	.....do .....	Do.
<b>Region VIII</b>				
Montana:				
Wibaux, town of, Wibaux County .....	300084	Sept. 26, 1974, Mar. 4, 1988, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Wibaux County, unincorporated areas ...	300173	Mar. 22, 1978, Mar. 4, 1988, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
South Dakota: Rapid City, city of, Pennington County.	465420	Apr. 2, 1971, Sept. 14, 1973, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
<b>Region IX</b>				
Nevada: Eureka County, unincorporated areas.	320028	Mar. 9, 1984, Apr. 1, 1988, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
<b>Region X</b>				
Oregon:				
Bandon, city of, Coos County .....	410043	Oct. 11, 1974, Aug. 15, 1984, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Glendale, city of, Douglas County .....	410063	Feb. 18, 1975, Sept. 29, 1978, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.
Riddle, city of, Douglas County .....	410066	July 22, 1975, Aug. 1, 1979, Feb. 18, 1998, Emerg.; Reg.; Susp.	.....do .....	Do.

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

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

Issued: January 30, 1998.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 98-3438 Filed 2-10-98; 8:45 am]

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**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 64**

[Docket No. FEMA-7681]

**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 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 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