

Dated: July 5, 1995.
David A. Ullrich,
Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, chapter I, parts 52 and 81, are amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. Section 52.1870 is amended by adding a new paragraph (c)(105) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(105) On September 17, 1993, the Ohio Environmental Protection Agency requested the redesignation of Lucas and Wood Counties to attainment of the

National Ambient Air Quality Standard for ozone. To meet the redesignation criteria set forth by section 107(d)(3)(E) (iii) and (iv), Ohio credited emissions reductions from the enclosure of the "oily ditch" at the British Petroleum Refinery in Oregon, Ohio. The USEPA is approving the Director's Finding and Order which requires the enclosure of the "oily ditch" into the SIP for Lucas and Wood Counties.

(i) Incorporation by reference.
 (A) letter dated June 2, 1994, from Donald R. Schregardus, Director, Ohio Environmental Protection Agency, to Valdas Adamkus, Regional Administrator, USEPA, Region 5, and one enclosure which is the revised Director's Final Findings and Orders in the matter of BP Oil company, Toledo Refinery, 4001 Cedar Point Road, Oregon, Ohio, Fugitive Emissions from the Refinery Waste Water System "Oily Ditch", effective June 2, 1994.

3. Section 52.1885 is amended by adding paragraph (b)(5) to read as follows:

§ 52.1885 Control Strategy: Ozone.

* * * * *

(b) * * *

(5) Lucas and Wood Counties.

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PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. Section 81.336 is amended by revising the entry in the ozone table for Toledo to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—OZONE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
*	*	*	*	*
Toledo area:				
Lucas County	August 1, 1995	Attainment.		
Wood County	August 1, 1995	Attainment.		
*	*	*	*	*

¹ This date is November 15, 1990, unless otherwise noted.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Health Care Financing Administration
 42 CFR Parts 409 and 484**

[BPD-469-CN]

RIN 0938-AD78

Medicare Program; Medicare Coverage of Home Health Services, Medicare Conditions of Participation, and Home Health Aide Supervision; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects several errors made in a final rule published on December 20, 1994 (59 FR 65482) concerning Medicare coverage of home health services, Medicare

conditions of participation, and home health aide supervision.
EFFECTIVE DATE: February 21, 1995.
FOR FURTHER INFORMATION CONTACT: Julie Brown, (410) 966-4669.

SUPPLEMENTARY INFORMATION:

Background

On December 20, 1994, we published a final rule concerning Medicare coverage of home health services, Medicare conditions of participation, and home health aide supervision. (59 FR 65482) In it were a number of technical errors:

When revising our regulations at 42 CFR 409.42(d) (redesignated as § 409.42(b)), we inadvertently revised obsolete regulations text.

When adding § 409.45, we overlooked the statutory name change in section 1861(b)(6) of the Social Security Act as amended by section 4039(b)(2) of the Omnibus Budget Reconciliation Act of 1987.

When adding § 484.36(d)(4)(iii), we overlooked the training requirements in § 484.36(b). However, we proposed the

addition of paragraph (d)(4) in order to identify the responsibilities of an HHA or hospice that furnishes services under arrangement, including "ensuring that the aides have met the training requirements." (56 FR 49157) Section 484.36(b) contains training requirements.

There were also a number of incorrect crossreferences.

Correction of Publication

Accordingly, the publication on December 20, 1994, of the final regulation, which was the subject of FR Doc. 94-31062, is corrected as follows:

§ 409.42 [Corrected]

Page 65494, column 1: In § 409.42(b), line 6, the words "with the HHA's policy and" are removed.

Page 65494, column 1: In § 409.42(c)(2), (c)(3), and (c)(4), the phrase "§ 409.44(b)" is revised to read "§ 409.44(c)".

§ 409.45 [Corrected]

Page 65495, column 2: In § 409.45(a), the phrases "§ 409.44(a)" and

"§ 409.44(b)" in lines 6 and 8, respectively, are revised to read "§ 409.44(b)" and "§ 409.44(c)", respectively.

Page 65496, column 2: In § 409.45(g)(4), lines 3 through 5, the words "Council on Podiatry Education of the American Podiatric Association" are revised to read "Council on Podiatric Medical Education of the American Podiatric Medical Association."

§ 409.49 [Corrected]

Page 65497, column 3: In § 409.49(f), line 2, the phrase "§ 410.36(b)" is revised to read "§ 410.36(a)(2)".

§ 484.36 [Corrected]

Page 65498, column 3: In § 484.36(d)(4)(iii), line 4, the phrase "paragraph (a)" is revised to read "paragraphs (a) and (b)".

Dated: July 21, 1995.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

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**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 64

[Docket No. FEMA-7622]

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 DATE: 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 Deputy 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 Deputy 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: