

performed in outpatient hospital departments. Facility services related to ambulatory surgical procedures performed in hospital outpatient departments are subject to the payment methodology set forth in § 413.118.

(iii) *Services furnished by a critical access hospital (CAH).* Inpatient and outpatient services furnished by a CAH are subject to the payment methodology set forth in § 413.70.

(iv) *Hospital outpatient radiology services.* Hospital outpatient radiology services are subject to the payment methodology set forth in § 413.122.

(v) *Other diagnostic procedures performed by a hospital on an outpatient basis.* Other outpatient diagnostic procedures are subject to the payment methodology set forth in § 413.122.

(vi) *Skilled nursing facility services.* Skilled nursing facility services subject to the payment methodology set forth in §§ 413.330 *et seq.*

(d) *Exclusions from reasonable cost.* For purposes of comparison with customary charges under this section, reasonable cost does not include the following:

(1) Payments made to a provider as reimbursement for bad debts arising from noncollection of Medicare deductible and coinsurance amounts, as provided in § 413.80.

(2) Amounts that represent the recovery of excess depreciation resulting from termination from the Medicare program or a decrease in Medicare utilization applicable to prior cost reporting periods, as provided in § 413.134.

(3) Amounts that result from disposition of depreciable assets, applicable to prior cost reporting periods, as provided in § 413.134.

(4) Payments to funds for the donated services of teaching physicians, as provided in § 413.85.

(5) Except as provided in paragraph (f)(2)(iii) of this section for making nominal charge determinations in special situations, graduate medical education costs.

(e) *Reductions in customary charges.* Customary charges are reduced in proportion to the ratio of the aggregate amount actually collected from charge-paying non-Medicare patients to the amount that would have been realized had customary charges been paid, if the provider—

(1) Did not actually impose charges on most of the patients liable for payment for its services on a charge basis; or

(2) Failed to make a reasonable effort to collect those charges.

(f) *Nominal charge determinations.* In determining whether a provider's

customary charges equal 60 percent or less of its reasonable costs, the following rules apply:

(1) *General rule.* The determination is based on charges actually billed to charge-paying, non-Medicare patients, and (except for clinical diagnostic laboratory tests that are paid under section 1833(h) of the Act) is made separately for Part A services and Part B services.

(2) *Determination in special situations.* (i) *Charges based on ability to pay.* For providers that have a sliding scale or discounted charges based on patients' ability to pay, the determination—

(A) Is based on charges billed to all charge-paying patients;

(B) Uses the ratio of the sliding scale charges to the provider's full customary charges; and

(C) Applies the ratio to the discounted charges to equate those charges to customary charges.

(ii) *HHA services.* In determining nominal charges for HHAs, all Part A and Part B services, with the exception of DME, are considered together.

(iii) *Graduate medical education.* When making the nominal charge determination, graduate medical education payments (or the provider's reasonable costs for that education, if supported by appropriate data) are included in reasonable costs.

#### § 413.134 [Amended]

3. Section 413.134 is amended by removing paragraph (k) and redesignating paragraph (l) as paragraph (k).

#### § 413.153 [Amended]

4. Section 413.153 is amended by removing paragraph (e) and redesignating paragraph (f) as paragraph (e).

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

Dated: November 2, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

[FR Doc. 00-3580 Filed 2-18-00; 8:45 am]

BILLING CODE 4120-01-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA-7728]

### 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]

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
<b>New Eligibles—Emergency Program</b>			
Washington: Garfield, county of, unincorporated areas	530047	Dec. 1, 1999 .....	Nov. 15, 1977.
Utah: Monticello, city of, San Juan County .....	490212	Dec. 6, 1999 .....	Dec. 24, 1976.
Tennessee: Overton, county of, unincorporated areas	470362	Dec. 9, 1999 .....	Jan. 13, 1978.
Michigan:			
Brandon, township of, Oakland County .....	261031	Dec. 17, 1999 .....	
Ensley, township of, Newaygo County .....	261042	.....do .....	
Iowa:			
Delhi, city of, Delaware County .....	190566	.....do .....	Mar. 19, 1976.
Cerro Gordo, county of, unincorporated areas .....	190853	Dec. 29, 1999 .....	June 7, 1977.
Texas: Schulenburg, city of, Fayette County .....	481134	Jan. 5, 2000 .....	June 25, 1976.
<b>New Eligibles—Regular Program</b>			
Tennessee: Plainview, city of, Union County .....	470417	Dec. 9, 1999 .....	July 16, 1990.
<b>Reinstatement</b>			
Indiana: New Castle, city of, Henry County .....	180092	Sept. 4, 1987, Reg.; Sept. 4, 1987, Susp.; Dec. 17, 1999, Reg.; Dec. 17, 1999, Rein.	Sept. 4, 1987.
<b>Regular Program Conversions</b>			
<b>Region II</b>			
New York: Sloatsburg, village of, Rockland County .....	360690	Dec. 1, 1999, Suspension Withdrawn .....	Dec. 1, 1999.
<b>Region I</b>			
Rhode Island: North Providence, town of, Providence County.	440020	Dec. 6, 1999, Suspension Withdrawn .....	Dec. 6, 1999.
<b>Region III</b>			
Philadelphia: Smithfield, township of, Monroe County ..	421896	.....do .....	Do.
<b>Region V</b>			
Michigan:			
Nashville, village of, Barry County .....	260902	.....do .....	Do.
Northville, city of, Wayne & Oakland Counties .....	260235	.....do .....	Do.
Ohio: Bay Village, city of, Cuyahoga County .....	390093	.....do .....	Do.
Wisconsin:			
Ozaukee County, unincorporated areas .....	550310	.....do .....	Do.
Saukville, village of, Ozaukee County .....	550317	.....do .....	Do.
<b>Region VI</b>			
Oklahoma: Lincoln County, unincorporated areas .....	400457	.....do .....	Do.
Texas:			
Midland, city of, Midland County .....	480477	.....do .....	Do.
Midland County, unincorporated areas .....	481239	.....do .....	Do.
Odessa, city of, Midland County .....	480206	.....do .....	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date
<b>Region VII</b>			
Iowa: Ankeny, city of, Polk County .....	190226	.....do .....	Do.
Missouri:			
Foristell, city of, St. Charles County .....	290902	.....do .....	Do.
Lee's Summit, city of, Jackson & Cass Counties ..	290174	.....do .....	Do.
Nebraska:			
Albion, city of, Boone County .....	310009	.....do .....	Do.
Boone County, unincorporated areas .....	310008	.....do .....	Do.
Petersburg, village of, Boone County .....	310308	.....do .....	Do.
St. Edward, village of, Boone County .....	310010	.....do .....	Do.
<b>Region VIII</b>			
Utah: Santa Clara, town of, Washington County .....	490178	.....do .....	Do.
<b>Region X</b>			
Alaska: Kenai Peninsula, borough of .....	020012	.....do .....	Do.
Washington: Kittitas County, unincorporated areas .....	530095	.....do .....	Do.
<b>Region I</b>			
Vermont:			
Bellows Falls, village of, Windham County .....	500125	Dec. 20, 1999 Suspension Withdrawn .....	Dec. 20, 1999.
Rockingham, town of, Windham County .....	500135	.....do .....	Do.
Springfield, town of, Windsor County .....	500154	.....do .....	Do.
Thetford, town of, Orange County .....	500075	.....do .....	Do.
<b>Region IV</b>			
South Carolina:			
Hollywood, town of, Charleston County .....	450037	.....do .....	Do.
Ravenel, town of, Charleston County .....	450043	.....do .....	Do.
Tennessee:			
Lincoln County, unincorporated areas .....	470104	.....do .....	Do.
Petersburg, town of, Lincoln County .....	470106	.....do .....	Do.
<b>Region V</b>			
Minnesota: Sauk Rapids, city of Benton County .....	270023	.....do .....	Do.
Wisconsin: Grant County, unincorporated areas .....	555557	.....do .....	Do.

<sup>1</sup> The City of Plainview adopted the Union County Flood Insurance Rate Map (CID #470194) dated 07/16/90, panel 0100B.

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: February 8, 2000.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 00-4074 Filed 2-18-00; 8:45 am]

BILLING CODE 6718-05-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA-7729]

### 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 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 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.