

[Docket No. FI-120]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective upon publication in the FEDERAL REGISTER. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Massachusetts	Barnstable	Falmouth, Town of.	I 25 001 0330 01 through I 25 001 0330 14	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Board of Selectmen, Town of Falmouth, Falmouth, Mass. 02540.	May 18, 1973.
Pennsylvania	Bucks	Falls, Township of.	I 42 017 2778 01 through I 42 017 2778 08	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Township Bldg., 285 Yardley Ave., Falmouth, Pa. 19054.	Do.
Rhode Island	Providence	East Providence, City of.	I 44 007 0037 03 through I 44 007 0037 08	Rhode Island Statewide Planning Program, 305 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 109 Weybosset St., Providence, R.I. 02903.	Department of Planning and Urban Development, Weaver Memorial Bldg., 31 Grove Ave., East Providence, R.I. 02914.	June 5, 1970.
Tennessee	Hamilton	Soddy-Daisy, City of.	I 47 065 2260 01 through I 47 065 2260 13	Tennessee State Planning Office, 600 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Soddy-Daisy City Hall, P.O. Box 478, Highway 27, Daisy, Tenn. 37319.	May 18, 1973.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued May 1, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-9007 Filed 5-8-73; 8:45 am]

Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 514-73]

PART 0—ORGANIZATION OF THE
DEPARTMENT OF JUSTICE

Subpart X—Authorization With Respect to
Personnel and Certain Administrative
Matters

WAIVER OF CLAIMS FOR ERRONEOUS PAY-
MENT OF PAY AND ALLOWANCES

Under 5 U.S.C. 5584, a claim of the United States arising out of an erroneous payment of pay to a Federal employee, which is not more than \$500, may be waived by the agency head if collection of it would be against equity and good conscience and not in the best interests of the United States. The waiver must be in accordance with standards prescribed by the Comptroller General. Public Law 92-453, approved October 2, 1972, amended 5 U.S.C. 5584 to apply to erroneous payments of certain allowances as well as of pay.

This order amends a provision in the Department of Justice regulations, delegating the Attorney General's authority under 5 U.S.C. 5584 to certain Department officials, to conform with the amendment to the statute and revised regulations of the Comptroller General (37 FR 26095; 4 CFR parts 91-93). The order also adds the Administrator of the Law Enforcement Assistance Administration to the list of Department officials authorized to waive claims.

By virtue of the authority vested in me by 5 U.S.C. 301 and 28 U.S.C. 509 and 510, § 0.155 of subpart X of part 0 of chapter I of title 28, Code of Federal Regulations, is revised to read as follows:

§ 0.155 Waiver of Claims for Erroneous
Payments of Pay and Allowances.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, and the Administrator of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration as to all other organizational units of the Department (including U.S. Attorneys and Marshals) are authorized to exercise the authority under 5 U.S.C. 5584, as amended by Public Law 92-453, for the waiver of claims of the United States for erroneous payments of pay and allowances to employees of the Department of Justice in accordance with the standards prescribed by the Comptroller General in 4 CFR parts 91-93.

Dated May 2, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-9061 Filed 5-8-73;8:45 am]

Title 38—Pensions, Bonuses, and
Veterans' Relief

CHAPTER I—VETERANS
ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION
AND EDUCATION

Educational Assistance Allowance;
Eligibility and Computation

On page 7403 of the FEDERAL REGISTER of Mar. 21, 1973, there was published a notice of proposed regulatory development to amend §§ 21.3021(a) and 21.4272(d). The change to § 21.3021(a) provides that a child and wife of a serviceman who has a total disability evaluated as total and permanent in nature resulting from a service-connected disability are eligible for educational assistance benefits. The change to § 21.4272(d) clarifies the present regulation concerning use of the measurement equivalency formula for computation of the educational assistance allowance when the veteran or eligible person pursues a program on other than the standard semester or quarter. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date.—These VA regulations are effective May 2, 1973.

Approved May 2, 1973.

By direction of the Administrator,

[SEAL]

FRED B. RHODES,
Deputy Administrator.

1. In § 21.3021(a), paragraphs (1) (iii) and (3) (i) are amended to read as follows:

§ 21.3021 Definitions.

(a) "Eligible person" means:

(1) A child of a:

(iii) Veteran or serviceman who has a total disability permanent in nature resulting from a service-connected disability.

(3) The wife of a:

(i) Veteran or serviceman who has a total disability permanent in nature resulting from a service-connected disability.

2. In § 21.4272, paragraph (d) is amended to read as follows:

§ 21.4272 Collegiate undergraduate;
credit-hour basis.

(d) Courses; measurement equivalency. Where a term is not a standard semester or quarter as defined in § 21.4200(b), the equivalent for full-time training will be measured by multiplying

the credits to be earned in the session by 18 if credit is granted in semester hours, or by 12 if credit is granted in quarters, and dividing the product by the number of whole weeks in the session. The resulting quotient will be the semester hours on which educational assistance allowance will be computed using the criteria of § 21.4270 proper or the criteria of footnote 3 to that section, whichever is appropriate. In determining whole weeks for this formula, 3 days or less will be disregarded and 4 days or more will be considered a full week.

[FR Doc.73-9149 Filed 5-8-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MAN-
AGEMENT; DEPARTMENT OF THE
INTERIOR

[Circular No. 2342]

PART 1820—APPLICATION PROCEDURES

Subpart 1821—Execution and Filing of
Forms

CHANGES OF OFFICIAL TITLES

The purpose of the amendment is to change references to certain officials and offices wherever they appear in chapter II, title 43 of the Code of Federal Regulations, as follows:

1. The title "examiner" or hearing examiner" is changed to "Administrative Law Judge", in conformance with Civil Service Commission notice published in volume 37, No. 162 of the FEDERAL REGISTER dated August 19, 1972.

2. References to Bureau of Land Management offices are changed from "land office", "proper land office" or "district and land office" to "proper office".

3. The references to officials of those offices are changed from "manager" or "land office manager" to "authorized officer."

The latter two changes are in response to office title changes made in the Department of the Interior manual. This notice sets forth the amended text of title 43 of the Code of Federal Regulations, § 1821.2; Office hours; place for filing; time limit; which are general provisions covering all of chapter II.

It is the policy of the Department of the Interior to give notice of proposed rulemaking and to invite the public to participate in rulemaking except where such participation would be impracticable, unnecessary or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 FR 8336, May 4, 1971). Public participation is unnecessary in this case since title changes have been made without altering functions or responsibilities of the offices or officials.

1. Section 1821.2 of chapter II, title 43 of the Code of Federal Regulations is revised to read as follows:

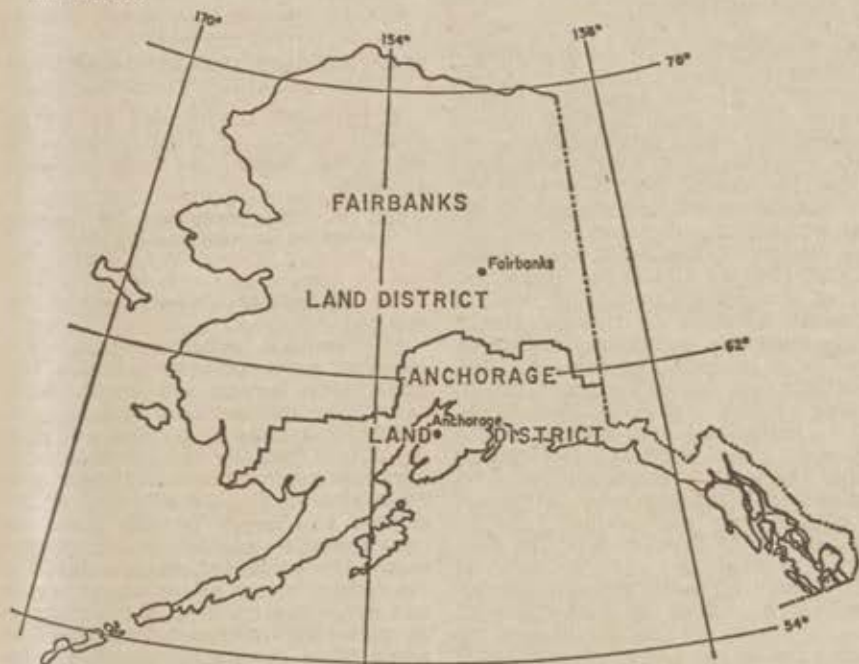
§ 1821.2 Office hours; place for filing; time limit.

§ 1821.2-1 Office hours; place for filing.

(a) The offices listed in paragraph (d) of this section are open to the public on Monday through Friday for the filing of applications and other documents and inspection of records from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which the office is located, with the exception of those days when the office may be closed because of a national holiday or by Presidential or other administrative order.

Office:

Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501. Southern Alaska.¹
Fairbanks District Office, 1028 Aurora Drive, Fairbanks, Alaska 99707. Northern Alaska.¹



FOOTNOTE 1.

Arizona State Office, Federal Building, Phoenix, Ariz. 85025.	Arizona.
California State Office, Federal Building, 2800 Cottage Way, Sacramento, Calif. 95825.	California.
Colorado State Office, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.	Colorado.
Eastern States Office, 7931 Eastern Avenue, Silver Spring, Md. 20910.	Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east of the Mississippi River.
Idaho State Office, Federal Building, Boise, Idaho 83701.	Idaho.
Montana State Office, Federal Building, and U.S. Courthouse, 316 North 26th Street, Billings, Mont. 59101.	Montana, North Dakota, and South Dakota.
Nevada State Office, Federal Building, and U.S. Courthouse, 300 Booth Street, Reno, Nev. 89502.	Nevada.
New Mexico State Office, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, N. Mex. 87501.	New Mexico, Oklahoma, and Texas.
Oregon State Office, 729 Northeast Oregon Street, Portland, Ore. 97208.	Oregon and Washington.
Utah State Office, Federal Building, Salt Lake City, Utah 84111.	Utah.
Wyoming State Office, U.S. Post Office and Courthouse, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.	Wyoming, Kansas, and Nebraska.

¹ See diagram for division line.

(b) Applications and other documents cannot be received for filing by the authorized officer out of office hours, nor elsewhere than at his office; nor can affidavits or proofs be taken by him except in the regular and public discharge of his ordinary duties.

(c) Copies of forms may be obtained from any of the offices listed under paragraph (d) of this section. However, completed forms and other documents must be filed in the office having jurisdiction.

(d) Location of the offices and area of jurisdiction of each office in which applications for rights and privileges under subchapters A, B, and C of this title must be filed are as follows:

Area of jurisdiction.

§ 1821.2-2 Time limit for filing documents.

(a) The authorized officer will reject all applications to make entry which are executed more than 10 days prior to filing.

(b) Such rejections should be subject to the right of appeal and to the right to file a new and properly executed application, or to reexecute the rejected application, without priority.

(c) The authorized officer will accept as filed within the time named in paragraph (a) of this section all applications to enter which were deposited in the mails within 10 days from the date of execution.

(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the proper office, either in the mail or by personal delivery when the office is not open to the public, shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation or decision to be filed within a stated period, the last day of which falls on a day the office is officially closed, shall be deemed to be timely filed if it is received in the proper office on the next day the office is open to the public.

(f) Except when (c) of this section is applicable, filing is accomplished when a document is delivered to and received by the proper office. Depositing a document in the mails does not constitute filing.

(g) When the regulations of this chapter provide that a document must be filed or a payment made within a specified period of time, the filing of the document or the making of the payment after the expiration of that period will not prevent the authorized officer from considering the document as being timely filed or the payment as being timely made except where:

1. The law does not permit him to do so.
2. The rights of a third party or parties have intervened.
3. The authorized officer determines that further consideration of the document or acceptance of the payment would unduly interfere with the orderly conduct of business.

§ 1821.2-3 Simultaneous filings; determination of order of priority.

(a) Two or more documents are considered as simultaneously filed when:

(1) In accordance with the regulations in § 1821.2-2, they are delivered to and received by the proper office at the same time; or

(2) They are filed pursuant to an order which specifies that documents delivered to and received by the proper office during a specified period shall be considered as simultaneously filed.

(b) Whenever it is necessary, for the purposes of the regulations in this chapter, to determine the order of priority of consideration among documents which have been simultaneously filed, such order of priority will be established by a drawing open to public view.

(c) Nothing in this regulation shall be construed as denying any preference right granted by applicable law or regu-

lation or as validating any document which is invalid under applicable law or regulation.

2. All other portions of chapter II of title 43 of the Code of Federal Regulations are amended as follows:

(a) All references to "examiner" or "hearing examiner" are changed to "Administrative Law Judge."

(b) All references to "land office", "proper land office", or "district and land office" are changed to "proper office."

(c) All references to "manager" and "land office manager" are changed to "authorized officer."

JACK O. HORTON,

Assistant Secretary of the Interior,

May 2, 1973.

[FR Doc.73-9085 Filed 5-8-73; 8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Medicaid Program

Chapter II, title 45, of the Code of Federal Regulations is amended to implement certain provisions of Public Law 92-603, Social Security Amendments of 1972, affecting the medical assistance program administered under title XIX of the Social Security Act.

1. *Maintenance of effort.*—Section 295 of Public Law 92-603 repealed section 1903(b)(1) of the Social Security Act, which provided for maintenance of effort in total Federal, State, and local expenditures within a State for mental health services, as a condition for Federal financial participation in expenditures with respect to individuals 65 years of age or older in mental institutions. The regulation has been amended to delete the requirement for such maintenance of effort with respect to title XIX. (§ 208.1)

2. *Skilled nursing facilities on Indian reservations.*—Section 299L(b) of Public Law 92-603 provides for the certification by the Secretary of skilled nursing facilities located on Indian reservations. The regulatory definition of skilled nursing facility has been amended to include facilities so located and certified. A similar change to implement section 299L(a) of Public Law 92-603 with respect to intermediate care facilities is included in the proposed rulemaking on that subject. (§ 249.10(b)(4)(i))

3. *Administrators of nursing homes.*—Section 268 of Public Law 92-603 amends section 1908(g)(1) of the Social Security Act to exempt Christian Science sanatoria from the requirement that no nursing home may operate under Medicaid except under the supervision of a licensed nursing home administrator. Section 269 of Public Law 92-603 amends section 1908(d) of the act which specifies conditions under which certain standards for licensure of nursing home administrators may be waived. Both provisions are implemented by amending the current regulations on licensing administrators. (§ 252.10)

In addition, the regulations for the program of grants to States for training

and instruction of waived nursing home administrators are being revoked, since the authorization in section 1908(e)(1) of the Social Security Act for appropriations for such program has expired. (§ 252.20)

Notice of proposed rulemaking with respect to these amendments of chapter II has been dispensed with, since the regulations merely implement the requirements of law, and notice and public procedure thereon are unnecessary.

Chapter II, title 45, of the Code of Federal Regulations is amended as set forth below.

PART 208—ASSISTANCE TO AGED INDIVIDUALS IN INSTITUTIONS FOR MENTAL DISEASES

1. Section 208.1(b) is revised to read as follows:

§ 208.1 Assistance to individuals 65 years of age or older in institutions for mental diseases.

(b) *Federal financial participation.*—

(1) Federal payments in relation to title I or XVI of the act under this section for any quarter shall be made only to the extent that total expenditures in the State from Federal, State, and local sources for mental health services for such quarter exceed the average of the total expenditures for such services for each quarter of the fiscal year ending June 30, 1965. As a basis for determination of the proper amount of Federal payments, the State agency shall submit to the Secretary annual reports which show total expenditures from Federal, State, and local sources for mental health services (including payment to or in behalf of individuals with mental health problems) under State and local public health and public welfare programs including total expenditures for each quarter of the fiscal year ending June 30, 1965, and total expenditures for each quarter in which the State has received Federal financial participation in making payments in behalf of individuals 65 years of age or over in institutions for mental diseases; and which show for each quarter all assistance payments and administrative costs incurred in behalf of individuals 65 years of age or older in institutions for mental diseases, and of Federal shares of such payments and such costs. In fulfilling this requirement such reports should be submitted not later than 3 months after the close of the fiscal year.

(2) For purposes of this section, an institution for mental diseases is one that meets the definition contained in § 249.10(b)(14)(iv) of this chapter.

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

2. Section 249.10(b)(4)(i) is amended by revising the heading and introductory words thereof, as set forth below:

§ 249.10 Amount, duration, and scope of medical assistance.

(b) *Federal financial participation.* * * *

(4)(i) *Skilled nursing facility services (other than services in an institution for tuberculosis or mental diseases) for individuals 21 years of age or older.*—“Skilled nursing facility services” means those items and services furnished by a skilled nursing facility maintained primarily for the care and treatment of inpatients with disorders other than tuberculosis or mental diseases which are provided under the direction of a physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law. A “skilled nursing facility” is a facility, or a distinct part of a facility, which meets the following conditions; the term also includes any institution which is located on an Indian reservation and is certified by the Secretary as being a qualified skilled nursing facility by meeting the requirements of section 1861(j) of the Social Security Act:

PART 252—MEDICAL ASSISTANCE PROGRAMS: RELATED RESPONSIBILITIES

3. Part 252 is amended by revising § 252.10 (b)(1), (c)(2)(iii), and (d) as set forth below; and by revoking § 252.20.

§ 252.10 State programs for licensing administrators of nursing homes.

(b) *Definitions.*—When used in this section:

(1) “Nursing home,” for purposes of requiring supervision by a licensed administrator, means any institution or facility, or distinct part of a hospital, which, regardless of its designation, is licensed or formally recognized as meeting State nursing home standards under State law. In those States that do not employ the term “nursing home” in their licensing statutes, “nursing home” means the equivalent term or terms as determined by the administrator, Social and Rehabilitation Service. For purposes of obtaining such determination, the single State agency responsible for the administration of the title XIX program in such State shall submit to the Regional Commissioner copies of current State statutes which define for licensure purposes institutional health care facilities. Not included in this definition is a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Mass., or a distinct part of a hospital, which hospital meets the definition in § 249.10(b)(1) or (14)(iv) of this chapter, that is designated or certified as a skilled nursing facility but is not licensed separately or formally approved as a nursing home by the State.

(c) *State plan requirements.* * * *

(iii) Except as provided for in paragraph (d) of this section, issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the agency or board