control measures (See February 3, 1983 notice). However, it also noted that the Metropolitan Planning Organization for northern New Jersey had recently gone out of existence. It was replaced by the North Jersey Transportation Coordinating Council (NJTCC). As indicated in the EPA's February 3, 1983 notice, the NJTCC had not adopted the necessary criteria and procedures to ensure that the transportation plans, program and projects which it approves conform to the SIP.

2. *SIP Content.* The supplemental submittal (Appendix 49) provides criteria and procedures for determining conformity between the SIP and transportation plans, programs and projects in northern New Jersey. The criteria and procedures include an assessment of the air quality effects of individual and collective transportation activities. The Transportation Improvement Program (TIP) will be reviewed for its contribution to helping the State achieve reasonable further progress towards attainment of air quality standards and to ensure that all transportation projects committed to in the SIP are contained in the TIP. Finally, the document outlines procedures by which individual projects will be evaluated for their air quality impacts.

The criteria and procedures were reviewed on July 25, 1983 by the NJTCC Technical Advisory Committee. They are now being considered for adoption by the NJTCC.

3. *EPA Review.* Assuming the criteria and procedures as presented are formally adopted by the NJTCC, EPA finds that they adequately ensure that transportation plans, programs and projects approved by the NJTCC conform to the SIP. Consequently, EPA proposes to approve this element of the SIP.

III. Conclusions

EPA is proposing approval of the supplemental information submitted by the State on July 11, and July 28, 1983. EPA is soliciting comments only on the material discussed in today's notice.

The Administrator's decision to approve or disapprove this submission will be based upon the comments received and on whether the SIP revision as a whole meets the requirements of Section 110 and Part D of the Clean Air Act and 40 CFR Part 51.

Pursuant to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b) the Regional Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Environmental Protection Agency, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110, 172, 176, and 301, Clean Air Act, as amended (42 U.S.C. 7410, 7472, 7476 and 7601))

Dated: August 1, 1983.

Jacqueline E. Sahafer,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 83-21706 Filed 8-8-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

42 CFR Part 71

Foreign Quarantine Provisions

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Public Health Service proposes major revisions and editorial changes in the Foreign Quarantine regulations. The regulations were developed to implement the provisions of the Public Health Service Act in preventing the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. In 1967, the Public Health Service was reorganized and the Quarantine Program was transferred to the Centers for Disease Control (CDC). Since the transfer, the Quarantine Program has been modernized and streamlined. Revisions are proposed to update the regulations to reflect current concepts of disease surveillance, investigation, and control. Additional changes are proposed to reflect the Department's commitment to revise and clarify regulations in a manner to promote public understanding of its programs.

DATES: Written comments on the proposed rule must be received on or before October 11, 1983.

ADDRESS: Comments or inquiries may be submitted in writing to the Director, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333. All relevant material received within the comment period will be considered. Comments received will be available for public inspection between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) in Building 1, Room 3106, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

FOR FURTHER INFORMATION CONTACT: Dr. Laurence S. Farer, Acting Director, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Ga. 30333, telephone (404) 329-2574, or FTS: 236-2574.

SUPPLEMENTARY INFORMATION: Under the authority of Sections 361 through 369 of the Public Health Service Act, as amended, the Department issues and enforces regulations necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. The regulations contained in Part 71 of Title 42, Code of Federal Regulations, authorize Quarantine Officers and other personnel to inspect and undertake necessary control measures with respect to carriers, persons, and shipments of animals and etiologic agents entering the United States in order to protect the public health. Regulations pertaining to interstate control of communicable diseases are separately promulgated by the Food and Drug Administration in Parts 1240 and 1250 of Title 21, Code of Federal Regulations.

The proposed regulations are based on current practices and procedures used by CDC. They meet the objective and mission of the Quarantine Program to assure protection against the introduction and spread of communicable diseases into the United States with a minimum of interference to trade and travel. The revised procedures have proved to be efficient and effective. Without compromising the public health, these procedures have benefited the traveling public by facilitating incoming traffic from foreign areas.

The primary responsibility for the control of communicable diseases from foreign countries into the United States is assigned to CDC. Since the Quarantine Program was transferred to CDC in 1967, quarantine activities have been modernized and streamlined. Appropriate changes reflecting the new concepts have not been incorporated into the existing regulations. Major changes in the regulations are discussed below.

Prior to 1969, every arriving ship and aircraft, including passengers and crew, was inspected for quarantine clearance. Currently, with the exception of routine rodent inspections and the cruise ship santitation program, inspections are performed only on those ships and aircraft which report illness prior to arrival or when illness is discovered upon arrival. Other inspectional agencies (U.S. Customs Service, U.S. Immigration and Naturalization Service, and the Department of Agriculture) assist Quarantine Officers in public healths screening of persons, pets, and other importations of public health significance and make referrals to PHS when indicated.

The proposed regulations will no longer require lather brushes made from animal hair or bristles, imported into the United States, to carry identifying markings or to be certified as treated and stored to prevent possible contamination with spores of *Bacillus anthracis*. No case of cutaneous anthrax in the United States has been associated with lather brushes since 1930, and the continuation of existing requirements is unnecessary to protect the public health. Should the importation of anthrax in lather brushes become a threat to public health in the future, inspection and control measures authorized under provisions of the regulations will be implemented.

The proposed regulations will no longer impose restrictions on the importation of psittacine birds. The importation of psittacine birds does not present a serious public health threat. Psittacosis in humans is a disease which is easily managed and treated, and is rarely transmitted person-to-person. The U.S. Department of Agriculture (USDA) will retain the quarantine jurisdiction for psittacine birds, and USDA regulations (9 CFR 92.11) require prophylactic treatment of psittacine birds with Chlortetracycline-treated feed.

The proposed regulations will no longer require ships entering U.S. ports to possess a valid Deratting/Deratting Exemption Certificate. Vector-borne diseases which could enter the United States through rats or through vectors carried by rats are rare and do not present a significant public health threat. Should disease be introduced, treatment and control measures are readily available. Since some nations require ships calling at their ports to possess a valid Deratting/Deratting Exemption Certificate and since Article 17 of the International Health Regulations requires each health administration to provide such inspection service, CDC will continue to perform rodent infestation inspections and issue Deratting/Deratting Exemption Certificates.

The proposed regulations will no longer require the submission of quarterly or annual reports from importers on nonhuman primates. The importers will still be required to retain appropriate records and make them available for inspection by CDC. In addition, it is expected that adequate control of the distribution of nonhuman primates can be accomplished by having the importers sign assurances on the existing importer registration form. This change is in accord with a decision by the Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB No. 0920–0096).

Action has been initiated to amend the list of serious diseases for which the Surgeon General can apprehend, detain, or conditionally release individuals in order to prevent the spread of such communicable diseases. Section 361 of the PHS Act requires that these diseases be specified pursuant to an Executive Order of the President upon the recommendation of the National Advisory Health Council and the Surgeon General. The National Advisory Health Council met on May 21, 1982, and recommended revisions in the list. The proposed revised list of diseases appears in Section 71.32(b), and it is expected that an appropriate Executive Order will be issued by the time these proposed regulations are published a a final rule. The diseases listed in the current Executive Order that the National Advisory Health Council recommended be deleted are anthrax, chancroid, chickenpox, dengue, favus, gonorrhea, granuloma inguinale, hemolytic streptoccoccal infections, infectious encephalitis, leprosy (Hansen's Disease), Lymphogranuloma venereum, meningococcal meningitis, poliomyelitis, psittacosis, relapsing fever (louse-borne), ringworm of the scalp, syphilis, trachoma, typhoid fever, and typhus. The Council viewed each disease against a combination of factors, including seriousness of the disease, number of cases already occurring in the United States, rate of transmissibility, availability of drugs for control and treatment, and introduction by animal and insect vectors across land borders. Although all of the diseases are still regarded as serious and warrant appropriate public health prevention and control measures, in the Council's opinion, these diseases no longer constitute serious enough threats to the public health to warrant the use of detention and isolation measures as authorized by the PHS Act and implemented by the proposed regulations. The Council recommended the addition of one new disease group to the revised Executive Order: "suspected viral hemorrhagic fevers, including Lassa, Marburg, Ebola, Congo-Crimean, and other not yet isolated or named." These diseases are highly communicable and fatal and there is no specific treatment. Quarantine measures are required to isolate cases and establish surveillance of close contacts.

The proposed regulations will require the masters of passenger ships to report by radio to quarantine stations prior to arrival the number of diarrheal cases, including the absence of any cases, recorded in the medical log during the current cruise. Under current regulations, all international conveyances are required to report death and certain illness (in general, fever or diarrhea) during the current voyage to quarantine stations prior to arrival. This prerequisite remains in the proposed regulations, but the additional reporting requirement is added specifically for passenger cruise vessels. This proposed procedure for passenger vessels has been generally practiced in the industry since 1975 as a result of a recommendation by CDC. However, this voluntary reporting system has had occasional communication problems resulting in CDC's being informed of gastrointestinal disease outbreaks too late to organize and conduct an epidemiologic investigation. The proposed requirement for passenger vessels to report 24 hours prior to arrival at a U.S. port is necessary to ensure that adequate time is available to carry out an epidemiologic investigation on board the vessel when the incidence of diarrheal illness indicates a possible food or waterborne outbreak. The requirement for passenger vessels to also report the absence of cases is necessary to ensure that all cases are reported. Under the present regulations, the lack of a report may be ambiguously interpreted as: (a) There were no cases; (b) there was a failure to report; or (c) there were problems in communication from the ship to the quarantine station. Requiring a report from all passenger vessels will enable quarantine personnel to follow up on reports not received.

Sections 71.21, 71.33, 71.35, 71.51, 71.52, and 71.53 of this proposed rule contain information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, a copy of this proposed rule has been submitted to the Office of Management and Budget (OMB) for its review of these information collection

requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official designated for this purpose whose name appears in this preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, ATTN: Desk Officer for HHS.

The proposed regulations will be in keeping with the present-day quarantine practices and procedures which have proved to be completely sufficient to meet quarantine objectives.

This rule is primarily a clarification of procedures and practices currently in use by CDC. The revised procedures have efficiently and effectively met the objectives and mission of the Quarantine Program. Since for the most part common practice is in accordance with what the regulation provides, the Secretary has determined that this rule is not a major rule under Executive Order 12291. Further, because this rule does not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

Following is a summary of the changes to the current regulations:

Sections Canceled

Subpart A—Definitions and General Provisions

Sec.
71.2 Periods of isolation and surveillance.
71.3 Periods of immunity.
71.5 Departing persons, things, vessels or aircraft.
71.6 Sanitary measures previously applied.
71.7 Certificate of measures applied.
71.9 Listing of infected and receptive areas.

Subpart B—Measures at Foreign Ports

71.12 Measures prescribed by local health authority: Vessels and aircraft.

Subpart D—Vessels and Aircraft Subject to Quarantine Inspection

71.49(b) Report of disease or rodent mortality.

Subpart E—General Requirements Upon Arrival at Ports Under Control of the United States

71.62 General Provisions: Vessels and aircraft; permission for aircraft to discharge persons and cargo.
71.63 Persons: Restrictions on boarding and leaving vessels or aircraft, or having contact with persons aboard.
71.64 Maritime quarantine declaration.
71.65 Aircraft declaration and manifest.
71.66 Quarantine inspection and controls.
71.67 Persons: Examination.
71.71 Restriction on movement of articles.

Subpart F—Particular Requirements Upon Arrival at Ports Under Control of the United States

Sec.
71.81 through 71.91 All Sections Canceled.

Subpart G—Sanitary Inspection: Control of Rodents, Insects, and Other Vermin; Disinfection

71.103 Disinsecting and disinfesting vessels.
71.104 Disinsecting and disinfection of persons and things; vessels and aircraft.
71.105 Deratting Certificates: Deratting Exemption Certificates; vessels only.
71.106 Deratting: Aircraft only.
71.109 Application of sanitary measures.

Subpart H—Pratique: Vessels and Aircraft

71.123 Provisional pratique and remand: Vessels only.
71.124 Radio pratique: Vessels only.
71.125 Presentation of pratique: Vessels only.
71.126 Pratique and remand. Aircraft only.
71.127 Notification of remands: Vessels and aircraft.
71.128 Vessels and aircraft not submitting to prescribed measures.

Subpart I—Border Quarantine

71.136 through 71.141 All Sections canceled.

Subpart J—Importation of Certain Things

71.151 Lather brushes.

Subpart J-1—Importation of Psittacine Birds

71.161 through 71.166 All Sections canceled.

Subpart K—Special Provisions Relating to Aircraft

71.501 through 71.506 All sections canceled.

Subpart L—Special Provisions Relating to Ports and Airports

71.604 Designation of sanitary airports.
71.605 Yellow fever areas: Sanitary requirements: Ports and airports.
71.606 Perimeter: Airports only.
71.607 Withdrawal of designation.
71.608 Cholera and plague: Persons unloading vessesl or aircraft.
71.609(a), (b), (c), (d), (f), (g), (h), (i) Designation of international airports.
71.700 Appendix—Exceprts from International Sanitary Regulations (World Health Organizations Regulations No. 2).

Sections Updated and/or Recodified

Subpart A—Definitions and General Provisions

Section	Recodified
71.1 Definitions	71.1—Subpart A.
71.4 Compliance with conditions of surveillance.	71.33—Subpart D.
71.8 Designation of vaccinating centers; authenticating stamps.	71.3—Subpart A.
Subpart B—Measures at Foreign Ports	
71.11 Bills of health	71.11—Subpart B.
Subpart C—Notice of Communicable Disease Prior to Arrival	
71.31 Radio report of death or illness.	71.21—Subpart C.
Subpart D—Vessels and Aircraft subject to Quarantine Inspection.	Subpart D—Health Measures at U.S. Ports: Communicable Diseases.
71.46 General provisions	71.31—Subpart D.
71.47 Vessels and aircraft of Military services.	71.34—Subpart D.
71.48 Exempt vessels and aircraft subject to sanitary regulations.	71.31—Subpart D.
71.49(a) Report of disease or rodent mortality on vessel during stay in port.	71.35—Subpart D.
Subpart E—General Requirements Upon Arrival at Ports Under Control of the United States.	Subpart E—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection.
71.61 Applicability	71.41—Subpart E.
71.68 Vessels and aircraft: Person and things; communicable diseases.	71.32—Subpart D.
71.69 Persons: Isolation	71.33—Subpart D.
71.70 Persons: Isolation substituted for surveillance.	71.33—Subpart D.
71.72 Disinfection of imports.	71.42—Subpart E.
71.73 Exemption for mails	71.43—Subpart E.
Subpart G—Sanitation Inspection: Control of Rodents, Insects, and Other Vermin: Disinfection.	Subpart E—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection.
71.101 General provisions	71.41—Subpart E.
71.102 Disinsection of aircraft.	71.44—Subpart E.
71.107 Issuance of Deratting Certificates and Deratting Exemption Certificates: Approved and designated stations.	71.46—Subpart E.
71.108 Vessels and aircraft in intercoastal and interstate traffic.	71.48—Subpart E.
Subpart H—Pratique: Vessels and Aircraft	
71.121 General Requirement: Vessels only.	71.31—Subpart D.
71.122 Free Pratique: Vessels only.	71.31—Subpart D.
Subpart J—Importation of Certain Things.	Subpart F—Importations.
71.154 Dogs and cats	71.51—Subpart F.
71.155 Dogs and cats: Disposal of excluded animals.	71.51—Subpart F.
71.156 Etiological agents, hosts and vectors.	71.54—Subpart F.
71.157 Dead bodies	71.55—Subpart F.
Subpart J-2—Importation of Turtles, Tortoises Terrapins.	Subpart F—Importations.
71.171 Definitions	71.52—Subpart F.
71.172 Importation: General prohibition.	71.52—Subpart F.
71.173 Exception	71.52—Subpart F.
71.174 Applications for permits.	71.52—Subpart F.
71.175 Issuance of permits: Criteria.	71.52—Subpart F.
71.176 Penalties	71.2—Subpart F.
Subpart J-3—Importation of Nonhuman Primates.	Subpart F—Importations.181
71.181 Definitions	71.53—Subpart F.
71.182 Importations: General prohibition.	71.53—Subpart F.
71.183 Importation and distribution: Permissible purposes.	71.53—Subpart F.
71.184 Registration of importers.	71.53—Subpart F.
71.185 Recordkeeping and reporting.	71.53—Subpart F.
71.186 Disease control measures.	71.53—Subpart F.
71.187 Disposal of excluded animals.	71.53—Subpart F.
71.188 Suspension and revocation.	71.53—Subpart F.
71.189 Penalties	71.2—Subpart F.
Subpart L—Special Provisions Relating to Ports and Airports.	Subpart E—Requirements Upon Arrival at U.S. Ports; Sanitary Inspection.
71.601 Applicability	71.45—Subpart E.
71.602 Food and drinking water: Ports and airports.	71.45—Subpart E.

Section	Recodified
71.603 Disposal of waste matter: Airports and aircraft.	71.45—Subpart E.
71.609(e) Office and Isolation Facilities.'	71.47—Subpart E

List of Subjects in 42 CFR Part 71

Aircraft, Airports, Animals, Communicable diseases, Harbors, Imports, Pesticides and pests, Public health, Quarantine, Vessels.

It is, therefore, proposed to revise Part 71 of Title 42, Code of Federal Regulations, as set forth below.

Dated: January 13, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: June 10, 1983.

Margaret M. Heckler,

Secretary.

PART 71—FOREIGN QUARANTINE

Subpart A—Definitions and General Provisions

Sec.

Subpart B—Measures at Foreign Ports

Subpart C—Notice of Communicable Disease Prior to Arrival

Subpart D—Health Measures at U.S. Ports: Communicable Diseases

Subpart E—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection

Subpart F—Importations

Authority: Sec. 215 of Public Health Service (PHS) Act, as amended (42 U.S.C. 216); secs. 361-639, PHS Act, as amended (42 U.S.C. 264-272); E.O. 11070 (subject to revision), 27 FR 12393, 3 CFR, 1959-63 comp.

Subpart A—Definitions and General Provisions

§ 71.1 Scope and definitions.

(a) The provisions of this part contain the regulations to prevent the introduction, transmission, and spread of communicable disease from foreign countries into the States or possessions of the United States. Regulations pertaining to preventing the interstate spread of communicable diseases are contained in 21 CFR Parts 1240 and 1250.

(b) As used in this part the term:

"Carrier" means a ship, aircraft, train, road vehicle, or other means of transport, including military.

"Communicable disease" means an illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from an infected person or animal or a reservoir to a susceptible host, either directly or indirectly, through an intermediate animal host, vector, or the inanimate environment.

"Contamination" means the presence of undesirable substances or material which may contain infectious agents or their toxic products.

"Controlled Free Pratique" means permission for a carrier to enter a U.S. port, disembark, and begin operation under certain stipulated conditions.

"Deratting Certificate" means a certificate issued under the instructions of the Director, in the form prescribed by the International Health Regulations, recording the inspection and deratting of the ship.

"Deratting Exemption Certificate" means a certificate issued under the instructions of the Director, in the form prescribed by the International Health Regulations, recording the inspection and exemption from deratting of the ship which is rodent free.

"Detention" means the temporary holding of a person, ship, aircraft, or other carrier, animal, or thing is such place and for such period of time as may be determined by the Director.

"Director" means the Director, Centers for Disease Control, Public Health Service, Department of Health and Human Services, or his/her authorized representative.

"Disinfection" means the killing of infectious agents or inactivation of their toxic products outside the body by direct exposure to chemical or physical agents.

"Disinfestation" means any chemical or physical process serving to destroy or remove undesired small animal forms, particularly arthropods or rodents, present upon the person, the clothing, or the environment of an individual, or upon animals and carriers.

"Disinsection" means the operation in which measures are taken to kill the insect vectors of human disease present in carriers and containers.

"Educational purpose" means use in the teaching of a defined educational program at the university level or equivalent.

"Exhibition purpose" means use as a part of a display in a facility comparable to a zoological park or in a trained animal act. The animal display must be open to the general public at routinely scheduled hours on 5 or more days of each week. The trained animal act must be routinely scheduled for multiple performances each week and open to the general public except for reasonable vacation and retraining periods.

"Ill person" means a person who:

(1) Has a temperature of 100° F. (or 38°C.) or greater, accompanied by a rash, glandular swelling, or jaundice, or which has persisted for more than 48 hours; or

(2) Has diarrhea, defined as the occurrence in a 24-hour period of three or more loose stools or of a greater than normal (for the person) amount of loose stools.

"International Health Regulations" means the International Health Regulations of the World Health Organization, adopted by the Twenty-Second World Health Assembly in 1969, as amended by the Twenty-Sixth World Health Assembly in 1973, and as may be further amended.

"International voyage" means: (1) In the case of a carrier, a voyage between ports or airports of more than one country, or a voyage between ports or airports of the same country if the ship or aircraft stopped in any other country on its voyage; or (2) in the case of a person, a voyage involving entry into a country other than the country in which that person begins his/her voyage.

"Isolation" means: (1) When applied to a person or group of persons, the separation of that person or group of persons from other persons, except the health staff on duty, in such a manner as to prevent the spread of infection; or (2) when applied to animals, the separation of an animal or group of animals from persons, other animals, or vectors of disease in such a manner as to prevent the spread of infection.

"Military services" means the U.S. Army, the U.S. Air Force, the U.S. Navy, and the U.S. Coast Guard.

"Scientific purpose" means use for scientific research following a defined protocol and other standards for

research projects as normally conducted at the university level. The term also includes the use for safety testing, potency testing, and other activities related to the production of medical products.

"Surveillance" means the temporary supervision of a person who may have or has been exposed to a communicable disease.

"U.S. port" means any seaport, airport, or border crossing point under the control of the United States.

"United States" means the several States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"Vector" means an animal (including insects) or things which conveys or is capable of conveying infectious agents from a person or animal to another person or animal.

§ 71.2 Penalties.

Any person violating any provision of these regulations shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, as provided in Section 368 of the Public Health Service Act (42 U.S.C. 271).

§ 71.3 Designation of yellow fever vaccination centers: Validation stamps.

(a) *Designation of yellow fever vaccination centers.* (1) The Director is responsible for the designation of yellow fever vaccination centers authorized to issue certificates of vaccination. This responsibility is delegated by the Director to a State or territorial health department with respect to yellow fever vaccination activities of non-Federal medical, public health facilities, and licensed physicians functioning within the respective jurisdictions of a State or territorial health department. Designation is made upon application and presentation of evidence satisfactory to a State or territorial health department that the applicant has adequate facilities and professionally trained personnel for the handling, storage, and administration of a safe, potent, and pure yellow fever vaccine. Medical facilities of Federal agencies are authorized to obtain yellow fever vaccine without being designated as a yellow fever vaccination center by the Director.

(2) A designated yellow fever vaccination center shall comply with the instructions issued by the director or by a delegated officer or employee of a State or territorial health department for the handling, storage, and administration of yellow fever vaccine. If a designated center fails to comply with such instructions, after notice to the center, the Director or, for non-Federal centers, a State or territorial health department, may revoke designation.

(b) *Validation stamps.* International Certificates of Vaccination against cholera and yellow fever issued for vaccinations performed in the United states shall be validated by:

(1) The Seal of the Public Health Service; or

(2) The Seal of the Department of State; or

(3) The stamp of the Department of Defense; or

(4) The stamp issued to the National Aeronautics and Space Administration; or

(5) The stamp issued by a State or territorial health department; or

(6) an official stamp of a design and size approved by the Director for such purpose.

Subpart B—Measures at Foreign Ports

§ 71.11 Bills of health.

A carrier at any foreign port clearing or departing for any U.S. port shall not be required to obtain or deliver a bill of health.

Subpart C—Notice of Communicable Disease Prior to Arrival

§ 71.21 Radio report of death or illness.

(a) The master of a ship destined for a U.S. port shall report immediately, by radio, to the quarantine station at or nearest the port at which the ship will arrive, the occurrence, on board, of any death or any ill person among passengers or crew (including those who have disembarked or have been removed) during the 15-day period preceding the date of expected arrival or during the period since departure from a U.S. port (whichever period of time is shorter).

(b) The commander of an aircraft destined for a U.S. airport shall report immediately to the quarantine station at or nearest the airport at which the aircraft will arrive, the occurrence, on board, of any death or ill person among passengers or crew.

(c) In addition to (a) of this section, the master of a ship carrying 13 or more passengers must report by radio 24 hours before arrival the number of cases (including zero) of diarrhea in passengers and crew recorded in the ship's medical log during the current cruise. All cases of diarrhea that occur after the 24 hour report must also be reported not less than 4 hours before arrival.

Subpart D—Health Measures at U.S. Ports: Communicable Diseases

§ 71.31 General provisions.

(a) Upon arrival at a U.S. Port, a carrier will not undergo inspection unless the Director determines that a failure to inspect will present a threat of introduction of communicable diseases into the United States, or the carrier has on board individual(s) reportable in accordance with § 71.21 or meets the circumstances described in § 71.42. Carriers not subject to inspection under this section will be subject to sanitary inspection under § 71.41 of this part.

(b) The Director may require detention of a carrier until the completion of the measures outlined in this part that are necessary to prevent the introduction or spread of a communicable disease. The Director may issue a controlled free pratique to the carrier stipulating what measures are to be met, but such issuance does not prevent the periodic boarding of a carrier and the inspection of persons and records to verify that the conditions have been met for granting the pratique.

§ 71.32 Persons, carriers, and things.

(a) Whenever the Director has reason to believe that any arriving person is infected with or has been exposed to any of the communicable diseases listed in (b) of this section, he/she may detain, isolate, or place the person under surveillance and may order disinfection or disinfestation as he/she considers necessary to prevent the introduction, transmission, or spread of the listed communicable diseases.

(b) The communicable diseases authorizing the application of sanitary, detention, and/or isolation measures under (a) of this section are: cholera or suspected cholera, diphtheria, infectious tuberculosis, plague, suspected smallpox, yellow fever, or suspected viral hemorrhagic fevers (Lassa, Marburg, Ebola, Congo-Crimean, and others not yet isolated or named).

(c) Whenever the Director has reason to believe that any arriving carrier or article or thing on board the carrier is or may be infected or contaminated with a communicable disease, he/she may require detention, disinsection, disinfection, disinfestation, fumigation, or other related measures respecting the carrier or article or thing as he/she considers necessary to prevent the introduction, transmission, or spread of communicable diseases.

§ 71.33 Persons: isolation and surveillance.

(a) Persons held in isolation under this subpart may be held in facilities suitable for isolation and treatment.

(b) The Director may require isolation where surveillance is authorized in this subpart whenever the Director considers the risk of transmission of infection to be exceptionally serious.

(c) Every person who is placed under surveillance by authority of this subpart shall, during the period of surveillance:

(1) Give information relative to his/her health and his/her intended destination and report, in person or by telephone, to the local health officer having jurisdiction over the areas to be visited, and report for medical examinations as may be required;

(2) Upon arrival at any address other than that stated as the intended destination when placed under surveillance, or prior to departure from the United States, inform, in person or by telephone, the health officer serving the health jurisdiction from which he/she is departing.

(d) From time to time the Director may, in accordance with Section 322 of the Public Health Service Act, enter into agreements with public or private medical or hospital facilities for providing care and treatment for persons detained under this part.

§ 71.34 Carriers of U.S. military services.

(a) Carriers belonging to or operated by the military services of the United States may be exempted from inspection if the Director is satisfied that they have complied with regulations of the military services which also meet the requirements of the regulations in this part. (For applicable regulations of the military services, see Army Regulation No. 40–12, Air Force Regulation No. 161–4, Secretary of the Navy Instruction 6210.2, and Coast Guard Commandant Instruction 6210.2).

(b) Notwithstanding the exemption from inspection of carriers under this section, animals or articles on board shall be required to comply with the applicable requirements of Subpart F of this part.

§ 71.35 Report of death or illness on carrier during stay in port.

The master of any carrier at a U.S. port shall report immediately to the quarantine station at or nearest the port the occurance, on board, of any death or any ill person among passengers or crew.

Supart E—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection

§ 71.41 General provisions.

Carriers arriving at a U.S. port from a foreign area shall be subject to a sanitary inspection to determine whether there exists rodent, insect, or other vermin infestation, contaminated food or water, or other insanitary conditions requiring measures for the prevention of the introduction, transmission, or spread of communicable disease.

§ 71.42 Disinfection of imports.

When the cargo manifest of a carrier lists articles which may require disinfection under the provisions of this part, the Director shall disinfect them on board or request the appropriate customs officer to keep the articles separated from the other cargo pending appropriate disposition.

§ 71.43 Exemption for mails.

Except to the extent that mail contains any article or thing subject to restrictions under Subpart F of this part, nothing in the regulations in this part shall render liable to detention, disinfection, or destruction any mail conveyed under the authority of the postal administration of the United States or of any other Government.

§ 71.44 Disinsection of aircraft.

(a) The Director may require disinsection of an aircraft if it has left a foreign area that is infected with insect-borne communicable disease and the aircraft is suspected of harboring insects of public health importance.

(b) Disinsection shall be the responsibility of the air carrier or, in the case of aircraft not for hire, the pilot in command, and shall be subject to monitoring by the Director.

(c) Disinsection of the aircraft shall be accomplished immediately after landing and blocking.

(1) The cargo compartment shall be disinsected before the mail, baggage, and other cargo are discharged.

(2) The rest of the aircraft shall be disinsected after passengers and crew deplane.

(d) Disinsection shall be performed with an approved insecticide in accordance with the manufacturer's instructions. The current list of approved insecticides and sources may be obtained from the Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333.

§ 71.45 Food, potable water, and waste: U.S. seaports and airports.

(a) Every seaport and airport shall be provided with a supply of potable water from a watering point approved by the Commissioner of Food and Drugs, Food and Drug Administration, in accordance with standards established in Title 21, Code of Federal Regulations, Parts 1240 and 1250.

(b) All food and potable water taken on board a ship or aircraft at any seaport or airport intended for human consumption thereon shall be obtained from sources approved in accordance with regulations cited in (a) of this section.

(c) Aircraft inbound or outbound on an international voyage shall not discharge over the United States any excrement, or waste water or other polluting materials. Arriving aircraft shall discharge such matter only at servicing areas approved under regulations cited in (a) of this section.

§ 71.46 Issuance of Deratting Certificates and Deratting Exemption Certificates.

Valid Deratting Certificates or Deratting Exemption Certificates are not required for ships to enter a U.S. seaport. In accordance with Article 17 of the International Health Regulations, the Public Health Service may perform rodent infestation inspections and issue Deratting Certificates and Deratting Exemption Certificates.

§ 71.47 Special provisions relating to airports: Office and isolation facilities.

Each U.S. airport which receives international traffic shall provide without cost to the Government suitable office, isolation, and other exclusive space for carrying out the Federal responsibilities under this part.

§ 71.48 Carriers in intercoastal and interstate traffic.

Carriers, on an international voyage, which are in traffic between U.S. ports, shall be subject to inspection as described in §§ 71.31 and 71.41 when there occurs on board, among passengers or crew, any death, or any ill person, or when illness is suspected to be caused by insanitary conditions.

Subpart F—Importations

§ 71.51 Dogs and cats.

(a) *Definitions.* As used in this section the term:

"Cat" means all domestic cats.

"Confinement" means restriction of a dog or cat to a building or other enclosure at a U.S. port, en route to destination and at destination, in isolation from other animals and from

persons except for contact necessary for its care or, if the dog or cat is allowed out of the enclosure, muzzling and keeping it on a leash.

"Dog" means all domestic dogs.

"Owner" means owner or agent.

"Valid rabies vaccination certificate" means a certificate which was issued for a dog not less than 3 months of age at the time of vaccination and which—

(1) Identifies a dog on the basis of breed, sex, age, color, markings, and other identifying information.

(2) Specifies a date of rabies vaccination at least 30 days before the date of arrival of the dog at a U.S. port.

(3) Specifies a date of expiration which is after the date of arrival of the dog at a U.S. port. If no date of expiration is specified, then the date of vaccination shall be no more than 12 months before the date of arrival at a U.S. port.

(4) Bears the signature of a licensed veterinarian.

(b) *General requirements for admission of dogs and cats.*—(1) *Inspection by Director.* The Director shall inspect all dogs and cats which arrive at a U.S. port, and admit only those dogs and cats which show no signs of communicable disease as defined in Section 71.1

(2) *Examination by veterinarian and confinement of dogs and cats.* When, upon inspection, a dog or cat does not appear to be in good health on arrival (e.g., it has symptons such as emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea), the Director may require prompt confinement and give the owner an opportunity to arrange for a licensed veterinarian to examine the animal and give or arrange for any tests or treatment indicated. The Director will consider the findings of the examination and tests in determining whether or not the dog or cat may have a communicable disease. The owner shall bear the expense of the examination, tests, and treatment. When it is necessary to detain a dog or cat pending determination of its admissibility, the owner shall provide confinement facilities which in the judgment of the Director will afford protection against any communicable disease. The owner shall bear the expense of confinement. Confinement shall be subject to conditions specified by the Director to protect the public health.

(3) *Record of sickness or death of dogs and cats and requirements for exposed animals.* (i) The carrier responsible for the care of dogs and cats shall maintain a record of sickness or death of animals en route to the United States and shall submit the record to the quarantine station at the U.S. port upon arrival. Dogs or cats which have become sick while en route or are dead on arrival shall be separated from other animals as soon as the sickness or death is discovered, and shall be held in confinement pending any necessary examination as determined by the Director.

(ii) When, upon inspection, a dog or cat appears healthy but, during shipment, has been exposed to a sick or dead animal suspected of having a communicable disease, the exposed dog or cat shall be admitted only if examination or tests made on arrival reveal no evidence that the animal may be infected with a communicable disease. The provisions of (b)(2) of this section shall be applicable to the examination or tests.

(4) *Sanitation.* When the Director finds that the cages or other containers of dogs or cats arriving in the United States are in an unsanitary or other condition that may constitute a communicable disease hazard, the dogs or cats shall not be admitted in such containers unless the owner has the containers cleaned and disinfected.

(c) *Rabies vaccination requirements for dogs.* (1) A valid rabies vaccination certificate is required at a U.S. port for admission of a dog unless the owner submits evidence satisfactory to the Director that:

(i) If a dog is less than 6 months of age, it has been only in a country determined by the Director to be rabies-free (a current list of rabies-free countries may be obtained from the Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333); or

(ii) If a dog is 6 months of age or older, for the 6 months before arrival, it has been only in a country determined by the Director to be rabies-free; or

(iii) The dog is to be taken to a research facility to be used for research purposes and vaccination would interfere with its use for such purposes.

(2) Regardless of the provisions of (c)(1) of this section, the Director may authorize admission as follows:

(i) If the date of vaccination shown on the vaccination certificate is less than 30 days before the date of arrival, dog may be admitted, but must be confined until at least 30 days have elapsed since the date of vaccination;

(ii) If the dog is less than 3 months of age, it may be admitted, but must be confined until vaccinated against rabies at 3 months of age and for at least 30 days after the date of vaccination;

(iii) If the dog is 3 months of age or older, it may be admitted, but must be confined until it is vaccinated against rabies. The dog must be vaccinated within 4 days after arrival at destination but no more than 10 days after arrival at a U.S. port. It must be kept in confinement for at least 30 days after the date of vaccination.

(3) When a dog is admitted under (c)(2) of this section, the Director shall notify the health department or other appropriate agency having jurisdiction at the point of destination and shall provide the address of the specified place of confinement and other pertinent information to facilitate surveillance and other appropriate action.

(d) *Certification requirements.* The owner shall submit such certification regarding confinement and vaccination prescribed under this section as may be required by the Director.

(e) *Additional requirements for the importation of dogs and cats.* Dogs and cats shall be subject to such additional requirements as may be deemed necessary by the Director or to exclusion if coming from areas which the Director has determined to have high rates of rabies.

(f) *Requirements for dogs and cats in transit.* The provisions of this section shall apply to dogs and cats transported through the United States from one foreign country to another, except as provided below:

(1) Dogs and Cats that appear healthy, but have been exposed to a sick or dead animal suspected of having a communicable disease, need not undergo examination or tests as provided in (b)(3) of this section if the Director determines that the conditions under which they are being transported will afford adequate protection against introduction of communicable disease.

(2) Rabies vaccination is not required for dogs that are transported by aircraft or ship and retained in custody of the carrier under conditions that would prevent transmission of rabies.

(g) *Disposal of excluded dogs and cats.* A dog or cat excluded from the United States under the regulations in this part shall be exported or destroyed. Pending exportation, it shall be detained at the owner's expense in the custody of the U.S. Customs Service at the U.S. port.

§ 71.52 Turtles, tortoises, and terrapins.

(a) *Definitions.* As used in this section the term:

"Turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order *Testudinata*, class *Reptilia*, except marine species (Families *Dermochelidae* and *Cheloniidae*).

(b) *Importation; general prohibition.* Except as otherwise provided in this section, live turtles with a carapace length of less than 4 inches and viable turtle eggs may not be imported into the United States.

(c) *Exceptions.* (1) Live turtles with a carapace length of less than 4 inches and viable turtle eggs may be imported into the United States, provided that such importation is not in connection with a business, and the importation is limited to lots of fewer than seven live turtles or fewer than seven viable turtle eggs, or any combinations of such turtles and turtle eggs totaling fewer than seven, for any entry.

(2) Seven or more live turtles with a carapace length of less than 4 inches, or seven or more viable turtle eggs or any combination of turtles and turtle eggs totaling seven or more, may be imported into the United States for bona fide scientific or educational purposes or for exhibition when accompanied by a permit issued by the Director.

(3) The requirements in (c)(1) and (c)(2) of this section shall not apply to the eggs of marine turtles excluded from these regulations under § 71.52(a).

(d) *Application for permits.* Applications for permits to import turtles, as set forth in (c)(2) of this section, shall be made by letter to the Director, and shall contain, identify, or describe, the name and address of the applicant, the number of specimens, and the common and scientific names of each species to be imported, the holding facilities, the intended use of the turtles following their importation, the precautions to be undertaken to prevent infection of members of the public with *Salmonella* and *Arizona* bacteria, and any other information and assurances the Director may require.

(e) *Criteria for issuance of permits.* A permit may be issued upon a determination that the holder of the permit will isolate or otherwise confine the turtles and will take such other precautions as may be determined by the Director to be necessary to prevent infection of members of the public with *Salmonella* and *Arizona* bacteria and on condition that the holder of the permit will provide such reports as the Director may require.

(f) *Interstate regulations.* Upon admission at a U.S. Port, turtles and viable turtle eggs become subject to Food and Drug Administration Regulations (21 CFR 1240.62) regarding general prohibition.

(g) *Other permits.* Permits to import certain species of turtles may be required under other Federal regulations (50 CFR Parts 17 and 23) protecting such species.

§ 71.53 Nonhuman primates.

(a) *Definitions.* As used in this section the term:

"Importer" means any person or corporation, partnership, or other organization, receiving live nonhuman primates from a foreign country within a period of 31 days, beginning with the importation date, whether or not the primates were held for part of the period at another location. The term "importer" includes the original importer and any other person or organization receiving imported primates within the 31-day period.

"Nonhuman primates" means all nonhuman members of the Order Primates, including, but not limited to, animals commonly known as monkeys, chimpanzees, orangutans, gorillas, gibbons, apes, baboons, marmosets, tamarin, lemurs, and lorises.

(b) *General prohibition.* Except as otherwise provided in this section, no person or organization may import live nonhuman primates into the United States unless registered as an importer in accordance with applicable provisions of this section.

(c) *Uses for which nonhuman primates may be imported and distributed.* Live nonhuman primates may be imported into the United States and sold, resold, or otherwise distributed only for bona fide scientific, educational or exhibition purposes. The importation of nonhuman primates for use in breeding colonies is also permitted provided that all offspring will be used only for scientific, educational, or exhibition purposes. The maintenance of nonhuman primates as pets, hobby, or an avocation with occasional display to the general public is not a permissible use.

(d) *Registration of importers.* (1) Importers of nonhuman primates shall register with the Director in a manner prescribed by the Director.

(2) Documentary evidence that an importer will use all nonhuman primates solely for the permitted purposes is required.

(3) Registration shall include certification that the nonhuman primates will not be shipped, sold, or otherwise transferred to other persons or organizations without adequate proof that the primates will be used only for the permitted purposes.

(4) Registration shall be for 2 years, effective the date the application for registration is approved by the Director.

(5) Registration may be renewed by filing a registration application form with the Director not less than 30 days nor more than 60 days before expiration of the current registration.

(e) *Recordkeeping and reporting requirement for registered importers.* (1) Importers shall maintain records on each shipment of imported nonhuman primates received. The record on each shipment shall include the number of primates received, species, country of origin, date of importation, the number of primates in the shipment that die within 90 days after receipt, and cause(s) of deaths. If any primates in the shipment are sold or otherwise distributed within 90 days after receipt, the record shall include the number of primates in each shipment or sale, the dates of each shipment or sale, and the identity of the recipients. In addition, the record shall contain copies of documents that were presented to the importer to establish that the recipient would use the primates solely for the permitted purposes. The records shall be maintained in an organized manner in a central location at or in close proximity to the importer's primate holding facility. The records shall be maintained for a period of 3 years and shall be available for inspection by the Director at any time.

(2) Importers shall report to the Director by telephone within 24 hours the occurrence of any illness in nonhuman primates that is suspected of being yellow fever, monkeypox, or Marburg/Ebola disease.

(3) Importers also shall report to the Director by telephone within 24 hours the occurrence of illness in any member of their staff suspected of having an infectious disease acquired from nonhuman primates.

(f) *Disease control measures.* Upon receipt of evidence of exposure of nonhuman primates to a communicable disease that may constitute a threat to public health, the Director may provide for or require examination, treatment, detention, isolation, seizure, or destruction of exposed animals. Any measures required shall be at the owner's expense.

(g) *Disposal of excluded nonhuman primates.* Nonhuman primate(s) excluded from the United States by provisions of this section shall, at the owner's option and expense, be exported, destroyed, or given to a scientific, educational, or exhibition facility under arrangements approved by the Director. If the owner fails to dispose of the nonhuman primate by one of the approved options or fails to select a method of disposal within 7 days, the Director will select the method of disposal. Pending disposal, the nonhuman primate(s) shall be detained at the owner's expense in custody of the U.S. Customs Service at the U.S. port.

(h) *Waiver of these regulations under exceptional circumstances.* If a nonhuman primate that previously has been exported from the United States is presented for importation for other than the permitted purposes, the Director may waive the provisions of this section provided that the owner can prove prior exportation of the nonhuman primate and that the owner was unaware of the provisions of this section at the time of exportation. A waiver can be granted only once for an individual owner.

(i) *Revocation of an importer's registration.* (1) An importer's registration may be revoked by the Director, upon notice to the importer holding such registration, if the Director determines that the importer has failed to comply with any applicable provisions of this section. The notice shall contain a statement of the grounds upon which the revocation is based.

(2) The importer may file an answer within 20 days after receipt of the notice. Answers shall admit or deny specifically, and in detail, each allegation in the notice. Allegations in the notice not denied by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the importer to file an answer within 20 days after receipt of the notice may be deemed an admission of all allegations of fact recited in the notice.

(3) The importer shall be entitled to a hearing with respect to the revocation upon filing a written request, either in the answer or in a separate document, with the Director within 20 days after the effective date of revocation. Failure to request a hearing shall be deemed a waiver of hearing and as consent to the submission of the case to the Director for decision based on the written record. The failure both to file an answer and to request a hearing shall be deemed to constitute consent to the making of a decision on the basis of available information.

(4) As soon as practicable after the completion of any hearing conducted pursuant to the provisions of this section, the Director shall render a final decision. A copy of such decision shall be served on the importer.

(5) An importer's registration which has been revoked may be reinstated by the Director upon inspection, examination of records, conference with the importer, and receipt of information and assurances of compliance with the requirements of this section.

(j) *Other permits.* In addition to the requirements under this section, permits to import certain species of nonhuman primates may also be required under other Federal regulations (50 CFR Parts 17 and 23) protecting such species.

§ 71.54 Etiological agents, hosts and vectors.

(a) A person may not import into the United States, nor distribute after importation, any etiological agent or any arthropod or other animal host or vector of human disease, or any exotic living arthropod or other animal capable of being a host or vector of human disease unless accompanied by a permit issued by the Director.

(b) Any import coming within the provisions of this section will not be released from custody prior to receipt by the District Director of the U.S. Customs Service of a permit issued by the Director.

§ 71.55 Dead bodies.

The remains of a person who died of a communicable disease listed in § 71.32(b) may not be brought into a U.S. port unless the body is (a) properly embalmed and placed in a hermetically sealed casket, (b) cremated, or (c) accompanied by a permit issued by the Director.

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Health Care Financing Administration

42 CFR Part 431

Medicaid Program; Claims Processing Assessment System

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

ACTION: Proposed rule.

SUMMARY: These rules propose to revise claims processing requirements for Medicaid Quality control (MQC) systems and to delete the requirement from current regulations that States perform Third Party Liability quality control reviews. The preamble discussion will also serve as notice of our proposal that revised claims processing elements of the MQC program will become a condition for Medicaid Management Information System (MMIS) approval and annual reapproval under section 1903(r)(5) of the Act. The revised system will be referred to as the claims processing assessment system (CPAS).

These changes are intended to increase State flexibility in the area of reporting requirements and reduce the burden on States under the current MQC reporting system.

DATE: To assure consideration, comments should be received by September 8, 1983.

ADDRESS: Please address comments in writing to: Health Care Financing Administration, Department of Health and Human Services Attention: BQC-018-P, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue., S.W., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, in Baltimore.

Comments will be available for public inspection beginning approximately 2 weeks from today in Room 309-G of the Department's offices at 200 Independence Ave., S.W., in Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (telephone 202-245-7890).

FOR FURTHER INFORMATION CONTACT: William McQuay, 301-597-2946.

SUPPLEMENTARY INFORMATION:

I. Background

Medicaid Quality Control (MQC) is a State operated management program for assessing the administration of the Medicaid program. It is aimed at assuring that public funds go only to beneficiaries who are eligible under Federal and State law. The Medicaid Management Information System (MMIS) is an information storage, retrieval, and claims processing system tailored to support effective management of the Medicaid program. The objective of the MMIS is to improve the capability of the State Medicaid agencies to process claims adequately in a timely manner and provide data for use in the administration of their programs.

Relationship Between MMIS and MQC Activities

MMIS is an automated claims processing and management information system used in State Medicaid programs. It is composed of the following six conponents (or "subsystems"):

- Eligibility Subsystem.
- Provider Subsystem.
- Claims Processing Subsystem.
- Reference File Subsystem.
- Surveillance and Utilization Review Subsystem (SUR).
- Management and Administrative Subsystem (MARS).

The system specifications are provided by HCFA in the form of functions and objectives to be met by States in accomplishing the design, development, and implementation of their MMIS system. The Federal

Government reimburses 90 percent of the cost of development and 75 percent of the cost of operation of a certified system. HCFA reviews the State systems to determine compliance with specifications and issues certification letters upon a State attaining compliance.

Each certified MMIS is required to undergo a reapproval process annually. This reapproval (recertification) process is performed by HCFA regional office staff using a Systems Performance Review (SPR) document as a guide. It is issued to the States by June 30 prior to the start of each fiscal year. This document provides the standards that the State system must meet during the fiscal year and explains how the standards will be applied. There are six current standards that cover the basic functional requirements of the six subsystems. Two of these standards are applicable to the claims processing subsystem.

Standard three contains two elements that are designed to insure the orderly and timely processing of claims from initial receipt through issuance of the determinations. The first of these elements deals with the ability to locate and control claims through final disposition. The second element deals with timely processing of the claims.

Standard four contains two elements that are designed to insure that claims are accurately processed and reviewed. The first element concerns the accuracy of claims processing and the second element insures that effective edits and screens are used in the claims processing function.

Proposed Integration

Both MMIS reapprovals and the MQC–CP reviews are concerned with the accuracy and integrity of claims processing systems in State Medicaid operations. However, historically these activities have been conducted independently of one another. This fragmentation of efforts has led HCFA to suggest a consolidation of the two activities. This would be accomplished by deleting the current requirement in the regulations for MQC–CP and adding a claims processing quality control component of MMIS. The new component, known as the Claims Processing Assessment System (CPAS) would involve an analysis of samples taken from the universe of claims authorized for payment. MMIS States, unless they exceed an established threshold, would not be required to conduct separate claims processing reviews. MMIS States above the threshold would be required to perform a claims processing review and provide error rate reports as directed by HCFA.

We would permit those States below the threshold to perform a claims processing assessment using the method of their choice subject to Federal criteria and approval. These States would not be required to compute error rates. A report of the results of such assessments would be required to be provided to HCFA. However, Federal monitoring can establish an error rate which would be used to determine whether a State exceeds the threshold. Because of the reduction of reporting requirements and the flexibility provided to the States we anticipate that CPAS will reduce the current State burden. It will also provide HCFA with a means of enforcing its claims processing requirements because States that do not meet requirements may be subject to a reduction in FFP for the operation of the MMIS system.

Present MQC Claims Processing

Under MQC, States have been required to conduct claims processing and third party liability reviews by utilizing a statistically valid sample of Medicaid cases to make judgments about the overall quality of eligibility determinations and payment systems. These MQC claims processing reviews are required for all States under statutory authority contained in section 1902(a)(4) of the Act, and in current regulations at Subpart P of 42 CFR Part 431. Section 431.800 requires that these reviews identify erroneous payments: (a) for a service not authorized under the State plan; (b) to a provider not certified to participate in the medicaid program; (c) for a service already paid for by Medicaid; or (d) in an amount above the allowable reimbursement level for that service.

Current regulations require States to conduct claims processing and third party liability reviews utilizing data associated with selected eligibility cases. This review, beneficial in certain respects (e.g., identification of claims processing problems, the discovery of eligibility, third party liability, and claims processing errors), has presented both the State and the Federal governments with difficulties. In particular we have been unable, with this case-oriented approach, to quickly identify claims processing breakdowns, such as faulty guidelines or systems problems.

In addition, the present methodology (known as MQC–1) requires a 5-month collection period for claims after each sample month. Therefore, any defects or deficiencies occurring in the review month would go undiscovered for at least six months. In the interim, mispayments may result. This could affect both State and Federal monies.

To improve the MQC claims processing review program, HCFA devised on alternate method (referred to as MQC–II), which has been tested by nine States on a demonstration basis by waiver of the requirements under the authority in section 1115 of the Act pertaining to demonstration projects. This method was tested from October 1, 1981 to September 30, 1982.

Under MQC–II, cases are not selected from an eligibility listing; instead MQC–II selects from claims authorized for payment. No lengthy time period is required for claims collection. Therefore, the rapid identification of processing errors becomes possible. In addition, due to the stratification of the sample, faulty guidelines and systems problems would be more easily discovered, since the sample would include all types of claims and the sample size would become predictable.

During the period that HCFA was testing the MQC–II, the Executive Office of Management and Budget (EOMB) expressed dissatisfaction with the current MQC–I system. Their dissatisfaction was based on the fact that MQC–I requires States to review approximately one-half million claims for processing errors each year. EOMB contends that claims processing errors are usually automated data processing errors, which once corrected remain corrected. In addition, the latest data indicate a national claims processing error rate of .5 percent. EOMB concluded and HCFA agrees that while the claims processing error portion of the MQC–I system was initially useful in detecting and correcting claims processing errors, the cost of maintaining such a system is no longer justified by the resulting benefits. Therefore, EOMB recommended that full claims processing reviews be required only in States that MQC has determined (a) have payment errors exceeding 1 percent of total payments associated with claims processing, and (b) have been paid in excess of $1 million annually in Federal Financial Participation (FPP) for erroneous payments. For the remainder of States, EOMB recommended that the current quality control claims processing system be replaced with a smaller monitoring system.

Smaller samples in the claims processing review under MQC–II does not mean that this activity has become less important. Even in areas where claims processing error rates are low, these errors account for a significant amount of misspent funds. The Medicaid

Quality Control claims processing program has provided HCFA with valuable data for recovering funds for incorrect payments and identifying deficiencies in State claims processing operations. It has also enabled States to focus on corrective action. Since this program has proved to be beneficial, we are proposing to retain the essence of the MQC claims processing program by making it an integral part of the MMIS system for those States that have approved MMIS. For those States that do not have an approved MMIS, we are specifying that they include in their State plan a requirement to operate a quality control system that meets criteria established in regulations. The claims processing assessment system (CPAS) will therefore become an additional requirement for MMIS approval and reapproval under 1903(r)(5) of the Act. As an element of the MMIS, States would be eligible for enhanced funding (i.e., FFP matched at 75 percent rather than at 50 percent) for the operation of the claims processing assessment system. Improvements in identification of erroneous payments are expected to more than offset additional costs of this new MMIS requirement. In addition, States which fail to meet established performance standards for their MMIS risk loss of enhanced funding and reduction to the 50 percent level as specified in section 1903(r)(4)(B) of the Act.

II. Outline of Claims Processing Assessment System (CPAS)

We are proposing that beginning October 1, 1983 all States must operate claims processing assessment systems that have the capability to perform the following functions:

(1) Identify errors in the claims processing operations;

(2) Measure the incidence and cost of errors;

(3) Provide data for determining appropriate corrective action;

(4) Provide an assessment of the State's claims processing or that of its fiscal intermediary;

(5) Provide for a claim-by-claim review where required by HCFA;

(6) Produce an audit trail that can be reviewed by HCFA or an outside auditor.

The above functions have been shown by the MGC–II demonstrations to be essential to an efficient CPAS system. We believe that most States will want to convert to MGC–II. However, MMIS States with demonstrated superior performance may establish alternate claims processing review programs, subject to HCFA approval based on effectiveness, efficiency and economy.

We are proposing to establish a threshold that determines the scope of review as follows (see chart I). The MGC–II system may be operated using a full sample, or using a limited sample. A full MGC–II sample (see discussion in III below), or a system that is adjudged superior, would be required from those States (both MMIS and non-MMIS) that—

- Have error rates exceeding 1 percent and where misspent Federal funds annually exceed $1 million;
- Change claims payment contractor (fiscal agent), or change from a contractor-operated to a State-operated system; or
- Make significant system changes. The submittal of as Advanced Planning Document (APD) (not exclusively related to Surveillance and Utilization Review (SUR), or the Management and Administrative Reporting System (MARS)) would be considered as a significant system change for MMIS States.

States which change their fiscal intermediaries and which make significant system changes will be required to conduct a sample review using an MGC–II system or a superior system at the time the new contract or system change is implemented. However, if these changes occur during the last quarter of the Federal fiscal year (July through September), the change to an MGC–II or a superior system need not be implemented until the beginning of the next Federal fiscal year beginning with October.

A superior system is defined as one which produces all data required by MGC–II and any additional data relevant to the State's claims processing operation. States could utilize additional strata, review denied claims, conduct special studies in problem areas, etc. We would use the findings of the most recent MGC review period, Systems Performance Review (SPR), State assessment, or State data to determine error rates. HCFA will issue annual action transmittals to State agencies by August 15 to inform them of requirements applicable to the next fiscal year (i.e., beginning October 1).

MMIS States with error rates below the threshold would be allowed to perform a claims processing assessment using the method of their choice subject to Federal criteria and approval. Computation of error rates would not be required for these States. However, a report of the results of such assessments would be required to be provided to HCFA. Non-MMIS States below the threshold would be required to operate an MGC–II system with a 60 percent reduction in sample size.

We are proposing that the computer systems aspect of the CPAS be included under the definition of "mechanized claims processing and information retrieval system" at 42 CFR 433.111. As a systems requirement of the MMIS, CPAS would be eligible for enhanced funding, i.e., 90 percent FFP for system design, development, installation or improvement (see 42 CFR 433.112) and at 75 percent for operation (see 42 CFR 433.112) and at 75 percent for operation (see 42 CFR 433.113). All other provisions relating to MMIS included in 42 CFR Part 433 would also apply.

We are proposing that the CPAS reports be submitted by all States as required by HCFA.

HCFA would determine whether a non-MMIS State is properly carrying out its CPAS responsibilities through State assessments. MMIS States would be evaluated using the SPR, which will include a management review, a subsample or audit where appropriate. HCFA would use the SPR to determine whether MMIS States have in continuous operation a quality control claims processing review system, that such systems meet all established functional criteria, that such systems furnish HCFA with timely reports on their operations, and that State Medicaid agency management acts timely to remedy deficiencies detected through the quality control system. In addition, the SPR would continue to subject a sample of processed claims from all MMIS States to a Federal review to establish national standards for critical claims processing functions, and to measure individual MMIS States against such norms.

We are continuing the requirement that States—

- Take action to correct those errors identified through the CPAS or alternate review system and to recover those funds erroneously spent to the extent recovery would be cost effective.
- Take administrative action to prevent and reduce the incidence of those errors.

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CHART I

STATE REVIEW REQUIREMENTS

MMIS STATES	NON-MMIS STATES
MQC II full sample Must meet full reporting requirements	MQC II full sample Must meet full reporting requirements
Threshold: Payment errors exceeding 1 percent and annual FFP for erroneous payments exceeding $1 million. A change of contractors or systems will require a full MQC II review.	
Alternate System Must submit an annual report	MQC II 60% sample reduction Must meet full reporting requirements

III. Proposed Claims Processing Assessment System Requirements

The following is a discussion, in greater detail, of the claims processing assessment systems from which States may be required to implement: (1) The MQC–II system, required in States above the threshold and all States that do not have an approved MMIS; and (2) alternate systems which will be subject to prior HCFA approval for use in MMIS States below the threshold.

1. *The MQC–II System.* The MQC–II claims processing review system that would meet HCFA requirements would be an independent claims processing assessment system which provides States with the capability to select and review a sample of claims from all claims authorized for payment. Effective October 1, 1983, this system would be subject to the MMIS approval and reapproval process in MMIS States above the threshold and would be a State plan requirement in non-MMIS States. The system design would be required to provide for a selected stratified sample. States would be given a great deal of flexibility in stratifying their samples. This would permit States to focus their review on the largest claims or the more error-prone groups of providers.

The claims universe would consist of all Medicaid claims authorized for payment by a State agency during a month. The State would review a sample taken from each month's universe of authorized claims.

We recommend that States sample claims from the following categories:

a. Billings for inpatient hospital services;

b. Billings for long-term care services;

c. Billings from clinics, individual practitioners, separate billings for services and supplies;

d. Separately billed prescribed drugs; and

e. Premium or per capita payments, Medicare crossover payments.

In cases where the prescribed categories are undesirable, the State would be permitted to stratify as it chooses, provided there are at least two strata which differentiate by high and low payment amounts.

As part of the review process, States would be required to gather invoices, provider manuals, fee schedules, provider listings, and beneficiary history files. (Histories would include the longer of the service limitation period or the period during which the reviewed claim may be filed.) The scope of the review would include such considerations as documentation of prior authorization, service frequency limitations, appropriate billing procedures, compatability of diagnosis and procedure codes.

The MQC–II claims processing sample universe would consist of all claims authorized for payment by the State agency or is fiscal intermediary. Claims would be subject to sample selection in the month in which payment is authorized rather than in the month in which the service was provided or in the month in which payment was actually made to the provider. Adjustments that both increase and decrease previous payment authorizations would be also subject to sample selection and review. However, claims for which no payment was authorized, that is, denied claims, would not be subject to sample selection.

The MQC–II claims processing sample is designed to provide data on the incidence of claims processing errors and the resulting cost of the errors. Once a claim is selected for review, it is reviewed to determine: (1) if it was processed in accordance with the State's claims processing procedures, and (2) if the payment/adjustment authorization was correct. A claims processing review schedule is completed for each claim selected for review and is used to record information regarding the types and sources of errors found. The claims processing review schedule is designed to demonstrate a cause and effect relationship between processing errors

and resulting dollar errors in the payment/adjustemnt authorization.

The MQC–II claims processing review would be conducted in two major phases and would produce two types of findings. In the first phase, the claim would be reviewed to determine if it was processed correctly (i.e., to determine that all the necessary documentation was present, all the required procedures were followed, coding or data entry errors were made, etc.) If processing errors were made, a procedural error would be recorded on the claims processing review schedule. Procedural errors may or may not result in an incorrect payment/adjustment authorization. (The claims processing operational unit may make errors in processing the claim but the payment authorization may still be correct.)

In the second phase, the State would be required to develop any procedural errors found to determine whether they caused the payment authorization to be incorrect.

Development means that the State must obtain missing documentation, rework payment computations, or perform other activities necessary to determine if the payment authorization was correct. If incorrect, a *dollar error* is citied on the claims processing review schedule. Dollar errors are described in terms of the nature of the error, type of the error (underpayment, overpayment, etc.), and amount of the error. A dollar error finding would be recorded on the claims processing review schedule with the procedural error which was most responsible for the dollar error. As a result, statistical data may be generated which describe the relationship between procedural and dollar errors in States' claims processing programs.

2. *Alternate Claims Processing Systems.* MMIS States below the threshold may operate an alternate claims processing assessment system, and would have a wide range of options from which to choose. The comparable system could be an in-house audit, an independent audit, or alternate quality control system. Any such system would be subject to Federal approval prior to implementation.

State alternate systems, whether performed in-house or by an outside contractor, would be required to:

(1) identify deficiencies in the claims processing operations, (2) measure cost of deficiencies, (3) provide data to determine appropriate corrective actions, (4) provide an operational assessment of the States' claims processing or that of its fiscal intermediary, (5) provide for a claim-by-claim review where justifiable by data, and (6) produce an audit trail that can be reviewed by HCFA or an outside auditor.

The required reporting for these States is minimal. They will not be required to submit detailed samples of claims or to conduct claim by claim reviews.

Deficiencies in claims processing operations are—

1. Payment for incorrect, inconsistent, or incomplete claims;
2. Errors which result in payment for incorrect, inconsistent or incomplete data entries;
3. Payment to a provider not eligible to participate in the program;
4. Payment for service furnished to an ineligible individual;
5. Payment for services not authorized by regulation or policy;
6. Payment above allowable charges or costs;
7. Payments for which the indivuduals was responsible;
8. Duplicate payment.

One example of an alternate system meeting the criteria would be one in which all claims for a specific group or class of providers or beneficiaries are examined. Another example would be one in which all claims are subject to a preliminary screen against specific parameters. Claims failing these parameters would be subject to a complete and independent review.

3. Reporting Requirements for Systems. We would require that States operating an MQC–II quality control program submit to the HCFA regional office, on a monthly basis, a copy of the review schedule for each review completed during the month. As a guideline, States would be expected to complete a minimum of 90 percent of the monthly sample selection within 60 days after the close of the sample month. We would require that claims processing reviews be completed and submitted to the regional office by the end of the ninth month of the review cycle.

Those MMIS States above the threshold and all non–MMIS States would be required to provide the results of their findings on a claim-by-claim basis. A summary report of error rates, error causes, and planned corrective action would be required to be included.

Computation of error rates for MMIS States would not be required for those below the threshold; however, we would require that a report of the results of such assessments be provided to HCFA. Reports are to be submitted no later than June 30 for activities completed by March 31. These States would need only to provide a report which details the methodology employed in determining its errors and descriptions of errors found and the extent of those errors. Deficiencies discovered in the claims processing system must also be detailed. Actions taken to correct deficiencies must also be reported.

4. *Review Procedures.* As noted above, there is to be an interrelationship between SPR and the CPAS for MMIS States. If an MMIS State exhibits poor claims processing performance, as measured by an SPR claims sample, and if this causes the State to fail the SPR, there would be a reduction in the enhanced 75 percent Federal funding level for the cost of operating MMIS. The SPR would also include a management review of the State's CPAS to determine compliance. The State could lose up the 25 percentage points in FFP in the costs of operating its MMIS over a three year period (a maximum of 10 percent annually) for failing to pass the SPR. If indicated by the results of the SPR, a Federal audit to identify misspent claims payments would be initiated. The State would be required to attempt recovery of these funds and to return the Federal portion of the disallowed funds.

A State assessment would be used to determine if a non-MMIS State is carrying out its CPAS responsibilities. If the assessment shows that the State has a deficient CPAS in operation, the State would be cited out of compliance with Federal requirements. In addition, the non-MMIS States could then be subject to a Federal audit to identify erroneous claims payments to be recovered by the State.

IV. Determination of States Errors Above and Below the Threshold

HCFA would use the following indicators to determine whether a State is above or below the error rate and dollar threshold as defined in section II.

For fiscal year (FY) 1983, we wish to encourage States to perform a "phase in" of MQC II or their alternate system, by July 1. It is our intention to use either the MQC–I data from the October, 1980-September, 1981 MQC review period or the October, 1981-March, 1982 MQC review data for the MQC–II States or the most recent data available. States should have furnished these data to HCFA by May 31, 1982 for MQC–II, and April 30, 1982 for MQC–I to determine which system States should phase in. Specific instructions will be provided in a Medicaid Action Transmittal.

HCFA would inform the States by August 15, 1983 concerning individual State requirements for FY 1984. It is our intention to use the MQC data from the April-September 1982 MQC review period for present MQC–I States, and the October, 1982-March, 1983 MQC review period for MQC–II States, or the latest available data. We would

anticipate that States operating CPAS would provide these data to HCFA regional offices by April 30, 1983 for MQC–I States, which is the date these data are due under the current system, and by May 31, 1983 for MQC–II States.

CLAIMS PROCESSING ASSESSMENT SYSTEM REQUIREMENTS BY TYPE OF STATE AND REVIEW PERIOD

Review period	Review period to be based on data from	Column report due by	Inform State of required reviews by	Result of assessment	CPAS requirement for review period
July–September 1983 (Phase In).	October 1980–September 1981 if MQC I was in effect April 1981–March 1982.	Apr. 30, 1982	Apr. 1, 1983	MMIS States above 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (full sample).[2]
	October 1981–March 1982 if MQC II was in effect October 1981–March 1982.	May 31, 1982	Apr. 1, 1983	MMIS States not exceeding 1 percent error rate or $1 million misspent Federal funds.	Alternative systems of State choice (Federally approved).
	Later data will be utilized if available			Non-MMIS States not exceeding 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (full sample).[2]
				Non-MMIS States not exceeding 1 percent error rate or $1 million misspent Federal funds.	MQC II (40 percent of full sample).[2]
Fiscal year 1984.	April–September 1982 if MQC I was in effect October 82–March 83[1].	Apr. 30, 1983	Aug. 15, 1983	MMIS States above 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (full sample). Error rate measured through SPR or State data.[2]
	October 1982–March 1983 if MQC II was in effect October 1982–March 1983.	May 31, 1983	Aug. 15, 1983	MMIS States not exceeding 1 percent error rate or $1 million misspent Federal funds.	Alternative systems of State Choice (Federally approved).
	Latest data available will be utilized.			Non-MMIS States not exceeding 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (full sample). Compliance measured through State assessment and/or State data.[2]
				Non-MMIS States not exceeding 1 percent error rate or $1 million misspent Federal funds.	MQC II (40 percent of full sample). Compliance measured through State assessment.[2]
Fiscal year 1985 and beyond.	SPR or State assessment or State data[1].	June 30 of the previous year.	August 15 of the previous year.	MMIS States above 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (full sample). Error rate measured through SPR or State data.[2]
				MMIS States not exceeding 1 percent error rate and $1 million misspent Federal funds.	Alternative systems of State choice (Federally approved). Error rate measured through SPR.
				Non-MMIS States above 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (40 percent full sample). Compliance measured through State assessment and/or State data.[2]
				Non-MMIS States not exceeding 1 percent error rate or $1 million misspent Federal funds.	MQC II (full sample). Compliance measured through State assessment.[2]

[1] Subject to Federal Review.
[2] If a State can provide data superior to that of the MQC II system they may submit a request to HCFA for approval of that system to be utilized in lieu of the MQC II system.

Fiscal Year 1985 and Beyond

The latest SPR, State assessment, or State data would be utilized to determine individual State requirements. States would be required to furnish their data to HCFA by June 30 immediately following the review period. HCFA would notify States of individual requirements by August 15 of the requirements applicable to the next fiscal year.

V. Provisions of These Regulations

A. Claims Processing

We are proposing to revise Subpart P, Quality control, of Part 431, State Organization and General Administration, to separately identify CPAS requirements. We would do this by revising 42 CFR 431.800(c) to exclude State plan requirements for claims processing reviews in States that have approved MMIS systems under Part 433, Subpart C, and to separate State plan requirements for claims processing from those for eligibility reviews. We would also remove QC–CP and third party liability requirements from 42 CFR 431.800(d) and limit that paragraph to eligibility determinations.

We would add a new paragraph § 431.800(e) that applies specifically to CPAS and includes the following elements that a State agency must follow.

States Operating MQC II Claims Processing Systems must:

- Operate the system in accordance with HCFA policies and procedures; and sample size requirements.
- Select statistical samples of paid claims.
- Review each sample claim to identify erroneous payments resulting from claims processing errors.
- Measure incidence and cost of errors.
- Provide data for determining corrective action.
- Provide an assessment of the State's (or its fiscal intermediary's) claims processing.
- Provide capability for claim by claim review.
- Produce audit trails.
- Use the 6 month periods October–March and April–September as sampling periods.

We intend to notify States through Medicaid Action Transmittals of changes in their sampling reqirements, i.e., whether they must do full scale or limited review as a result of their either failing or exceeding thresholds as well as changes to the thresholds. these notifications are expected to provide sufficient time to allow for timely implementation by the State.

Existing paragraph § 431.800(e) would be redesignated as § 431.800(f) and would continue to specify reporting requirements for eligibility determinations.

We would add a new § 431.800(g) that specifically requires a monthly report on claims processing reviews sampled and on claims processing reviews completed during the month, and a summary report on findings for all reviews in the 6-month sample by the end of the third month following the scheduled completion of reviews for that 6-month period.

Current §§ 431.800(f) and 431.800(h) would be redesignated as §§ 431.800(h) and 431.800(k), respectively.

Current § 431.800(g) would be redesignated as § 431.800(i) and no longer include corrective action rules applicable to claims processing systems, which would be placed in a new § 431.800(j). Corrective action for claims processing errors include reviewing erroneous payments, taking action to reduce or prevent such errors, and reporting to HCFA the State's error analysis and corrective action plan by June 30.

We also intend that this proposed rule constitute the notice requirement called for by 42 CFR § 433.115. That section requires that HCFA provide advance notice and an opportunity for public comment whenever requirements for approval of MMIS systems are modified. We propose to consider that, effective October 1, 1983, "mechanized claims processing and information retrieval system" as defined at 42 CFR 433.111 includes the computer systems aspect of CPAS systems. Part II of the preamble to this rule identifies in detail the proposed system requirements as required by § 433.115(a). We intend to analyze and publish the response to comments (§ 433.115(b)) when we issue a final rule. In addition we intend to include instructions in existing HCFA manuals (§ 433.115(c)) and give adequate lead time for Medicaid agencies to meet these requirements (§ 433.115(d)).

B. Third Party Liability

We propose to further revise Subpart P, Quality Control, of Part 431, State Organization and General Administration by removing the definition of third party liability error in 42 CFR 431.800(b), and the third party liability requirements in 42 CFR 431.800(d).

HCFA plans to place a major emphasis on promoting State improvements to Medicaid Third Party Liability (TPL) programs. HCFA will conduct comprehensive assessments in selected States, building upon and expanding the State assessment process regarding TPL activities. HCFA will use this vehicle to focus its responses on the potential for substantial Medicaid savings and to point out opportunities for establishing cost-effective TPL practices. HCFA will work with those selected States toward resolving problems that have impeded optimization of their TPL programs.

We also are deleting the requirement for a nationwide system of regularly scheduled TPL–QC reviews, thereby eliminating a labor-intensive burden from the States. Serious questions have been raised about the reliability of the TPL–QC data. Rather than maintain a resource-consuming process which produces questionable data, we are deleting the TPL–QC regulatory requirement and replacing it with a strategy emphasizing operational assistance.

In order to track accomplishments in TPL activities more accurately, HCFA will also initiate an effort to improve the reliability of the TPL collection and cost avoidance data reported through its financial reporting system.

VI. Impact Analysis

Executive Order 12291

The cost of implementing system changes in those States which have claims processing systems with high error rates is estimated to be between $4–8 million in fiscal year 1984. This represents added costs for approximately ten States. However, the remaining States with successful claims processing systems will no longer have to incur the expenses of the current Federal review process which includes labor intensive costs such as sampling claims. While HCFA has no data to determine the exact savings to the remaining States from reducing requirements, we expect the overall estimate for all States to reduce costs or not generate added costs. Finally, we believe that improvements in detecting errors and claims processing systems will generate additional program savings to the States and the Federal Government.

We do not expect that these proposed regulations would result in an annual economic impact of $100 million, or meet other threshold criteria of section 1(b) of Executive Order 12291.

Regulatory Flexibility Act

These proposed regulations affect State Medicaid agencies in that they are required to revise their Quality Control claims processing review systems to accommodate the appropriate system changes. However, State Medicaid agencies are not considered small entities under this Act and thus are not subject to the analytic requirements of the Act.

Therefore, the Secretary certifies under 5 U.S.C. section 605(b) enacted by the Regulatory Flexibility Act, Pub. L. 96–354, that these regulations are not likely to result in a significant impact on a substantial number of small businesses, nonprofit entities or small local governments.

VII. Reporting Requirements

Section 431.800 (f), (g) and (j) of this proposed rule contain information collection requirements. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), we will submit a copy of these rules for review by the Executive Office of Management and Budget (EOMB) of the reporting and/or recordkeeping provisions. The public may submit comments to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, Attn.: Desk Officer for HCFA.

This regulation deals only with changes to the claims processing requirement, and therefore, includes only those changes to reporting requirements in 42 CFR 431.800(d) as are necessary to conform these changes. HCFA is currently working closely with Social Security Administration and Department of Agriculture, Food and Nutrition Service officials responsible for Aid to Families with Dependent Children (AFDC) and Food Stamp quality control systems, respectively, on implementation of the Integrated Quality Control System (IQCS), and on issues related to this sytem's potential for supplying the necessary quality control reports. Clearly the automated data entry transmission aspects of the system will eliminate the need for certain reporting requirements as they now exist. However, until the IQCS is a fully tested and proven system, it is necessary to ensure that no discrepancies exist between the State agencies' quality control findings and the information received by the Department. This is most critical with regard to reported error rates and final sample disposition. The Department plans to deal with these issues in a future notice of proposed rulemaking to obtain State agency comments prior to establishment of any final reporting requirements.

VIII. Response to Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

List of Subjects in 42 CFR Part 431

Administrative practice and procedure, Contracts (agreements), Fair hearings, Federal financial participation, Grant-in-Aid program—health, Health facilities, Health maintenance organizations (HMO), Indians, Information (disclosure), Medicaid,

Mental health centers, Prepared health plans, Privacy, Quality control, Reporting and record keeping requirement.

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

42 CFR, Part 431, Subpart P is amended as set forth below:

Subpart P—Quality Control

The authority citation for Part 431 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

Section 431.800 is amended by revising paragraph (a), by removing the definition of third party liability error from paragraph (b), by revising paragraph (c), by revising paragraph (d), by redesignating and revising current paragraphs (e) as (f), (f) as (h), (g) as (i), and (h) as (k), and by adding new paragraphs (e), (g), and (j) to read as follows:

§ 431.800 Medicaid quality control (MQC) system.

(a) *Basis and purpose.*—(1) *Basis.* This subpart implements the following sections of the Act, which establish requirements for state plans and for payment of Federal financial participation (FFP) to States:

1902(a)(4) Administrative methods for proper and efficient operation of the State plan.

1903(u) Limitation of FFP for erroneous medical assistance expenditures.

(2) *Purpose.* This section establishes State plan requirements for a Medicaid quality control system designed to reduce erroneous expenditures by monitoring eligibility determination and claims processing.

* * * * *

C. *State plan requirements.* (1) A state plan must provide for operating a Medicaid quality control (MQC) eligibility system that meets the requirements of paragraphs (d), (f), (h), (i), and (k) of this section.

(2) Except in States that have approved Medicaid Management Information Systems (MMIS) under Subpart C of Part 433 of this chapter, a State plan must also provide for operating an MQC claims processingss system that meets the requirements of paragraphs (e), (g), (h), (j) and (k) of this section.

(d) *Basic elements of MQC eligibility system.* The agency—

(1) Must operate the MQC system in accordance with the policies, sampling methodology, review procedures, and reporting forms and requirements specified in Medicaid quality control manuals issued by HCFA;

(2) Must select statistical samples of both active and negative case actions;

(3) Must review each case in the sample to identify eligibility errors; and

(4) Must review any claims pertaining to each active case to identify erroneous payments resulting from—

(i) Ineligibility; and

(ii) Recipient understated or overstated liability;

(5) In order to verify eligibility information, must conduct field investigations, including—

(i) Personal interviews for each case in the active case sample; and

(ii) Personal interviews for cases in the negative case action sample, to the extent necessary to verify erroneous eligibility determinations; and

(6) Must use 6-month sampling periods, from April through September and from October through March.

(e) *Basic elements of MQC claims processing (CP) system.* The agency must—

(1) Operate the sytem in accordance with the policies, sampling methodology, review procedures and reporting forms and requirements specified in State Medicaid manuals and instructions issued by HCFA;

(2) Select statistical samples of paid claims;

(3) Review each sample claim to identify erroneous payments resulting from claims processing errors;

(4) Measure incidence and cost of errors;

(5) Provide data for determining corrective action;

(6) Provide an assessment of the State's (or its fiscal intermediary's claims processing;

(7) Provide capability for claim by claim review;

(8) Produce audit trails; and

(9) Use the 6 month periods October—March and April—September as sampling periods.

(f) *Reporting requirements for eligibility systems.* The agency must submit reports to the Administrator, in the form and at the time specified by him, including—

(1) A description of the State's sampling plan for active cases and negative cases;

(2) A monthly report on eligibility case reviews completed during the month for all cases in the active case sample for that month and selected cases from the negative case sample for that month;

(3) A monthly report on payment reviews completed during the month for cases in the active case sample. (States must wait 5 months after each sample month before accumulating claims paid for each case—through the fourth month following the sample month);

(4) A summary report on eligibility findings and payment error findings for all cases in the 6-month sample, to be submitted by May 31 of each year for the previous April-September sampling period, and by November 30 for the October-March sampling period; and

(5) Other data and reports that the Administrator requests.

(g) *Reporting requirements for MQC claims processing systems.* The agency must submit reports and data to the Administrator, in the form and at the time specified. States are to submit:

(1) A monthly report on claims processing reviews sampled and on claims processing reviews completed during the month;

(2) A summary report on findings for all reviews in the 6-month sample to be submitted by the end of the 3rd month following the scheduled completion of reviews for that 6-month period; and

(3) Other data and reports as required by the Administrator.

(h) *Access to records.* The agency, upon request, must provide HHS staff with access to all records pertaining to its MQC reviews to which the State has access.

(i) *Corrective action.* The agency must—

(1) Take action to correct any eligiblity, or negative case action errors found in the sample cases;

(2) Take administrative action to prevent or reduce the incidence of those errors; and

(3) By July 31 each year, submit to the Administrator a report on its error analysis and a corrective action plan.

(j) *Corrective action as the result of MQC claims processing review system.* The agency must—

(1) Take action to correct those errors identified through the MQC-CP review system and, if cost effective, to recover those funds erroneously spent;

(2) Take administrative action to prevent and reduce the incidence of those errors; and

(3) By June 30 of each year, submit to the Administrator a report of its error analysis and a corrective action plan on the previous reviews ending March 31.

(k) *Protection of recipient rights.* Any individual performing activities under the Medicaid quality control program must do so in a manner consistent with §§ 435.902 and 436.901 of this subchapter concerning the rights of the recipient.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance)

Dated: March 29, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: July 13, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-21627 Filed 8-8-83; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6550]

National Flood Insurance Program; Proposed Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newpaper of local circulation in each community.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Marazik, Chief, Engineering Branch Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified based flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities.

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67,

Flood Insurance, Floodplains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/Town/County	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
California	Fairfield (City), Solano County	Suisun Creek	30 feet upstream from the center of Southern Pacific Railroad.	*18
		Green Valley Creek	100 feet upstream from the center of Central Way	*12
		Ponding	At the center of the intersection of Via Sombrero and Via Verdi.	*14
		Sheet Flow	400 feet north from the center of the intersection of Via Verdi and Via Sombrero.	#1
			At the center of the intersection of Central Way and Commerce Court.	#2
		Dan Wilson Creek	At the center of the intersection of Lookout Hill Road and Central Place.	*16
		McCoy Creek	30 feet upstream from Travis Air Force Base Railroad crossing.	*35
		Pennsylvania Avenue Creek	60 feet upstream from the center of Water Works Lane.	*14
		Ponding	50 feet north from the center of the intersection of Madison Street and Kentucky Street.	*18
		Sheet Flow	At the center of Second Street crossing	#1
		Ledgewood Creek	30 feet upstream from the center of Mafellan Road	#26
		Sheet Flow	At the center of the intersection of Henry Street and Stephen Street.	#1
		Laurel Creek	50 feet upstream from the center of Air Base Parkway	*57
		Sheet Flow	At the center of the intersection of Beauford Drive and Atlantic Avenue.	#1
		Union Avenue Creek	30 feet upstream from the center of Acacia Street	*34
		Ponding	At the intersection of Heather Drive and Dahlia Street	*62
		Sheet Flow	200 feet south from the center of the intersection of Clay Street and Delaware Street.	#1
		Suisun Slough	At the center of the intersection of Illinois Street and Webster Street.	*7

Maps available for inspection at the Department of Public Works, 1000 Webster Street, Fairfield, California.
Send comments to the Honorable Gary Falati, 1000 Webster Street, Fairfield, California 94533.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
California	Rocklin (City), Placer County	Aguilar Road Tributary	25 feet upstream from center of Foothill Road	*287
		Antelope Creek	Center of intersection of Sunset Boulevard and Antelope Creek.	*201
		Clover Valley Creek	100 feet upstream from center of Midas Avenue	*256
		Loomis Tributary	200 feet upstream from confluence with Sucker Ravine.	*294
		Pleasant Grove Creek	50 feet upstream from center of Sunset Boulevard	*130
		Rocklin City Tributary	50 feet upstream from center of Farron Street	*226
		Secret Ravine	100 feet upstream from center of Rocklin Road	*258
		Sucker Ravine	Center of intersection of Dominguez Road and Sucker Ravine.	*292
	Maps available for inspection at Planning Department, 460 Rocklin Road, Rocklin, California. Send comments to the Honorable George Wolford, P.O. Box 687, Rocklin, California 95677.			
California	San Rafael (City), Marin County	San Rafael Creek	Intersection of C Street and 1st Street	*9
		San Rafael Bay (San Rafael Canal).	Intersection of High Street and 3rd Street	*6
		San Pablo Bay (Gallinas Creek	Intersection of Civic Center Drive and Southern Pacific Railroad.	*6
		Miller Creek	400 feet along the corporate limits Northwest from the Southern Pacific Railorad.	*12
	Maps available for inspection at the Department of Engineering, 1400 5th Avenue, San Rafael, California. Send comments to the Honorable Lawrence Muleyan, 1400 5th Avenue, San Rafael, California 94901.			
Georgia	Unincorporated Areas of McIntosh County	Atlantic Ocean	At the confluence of McCloy Creek and Blackbeard Creek.	*16
			At the confluence of Mud River and New Teskettle Creek.	*17
			At the confluence of Ridge River mouth and Front River.	*18
			At the confluence of the Wahoo River and the South Newport River.	*19
	Maps available for inspection at the Chairman of the McIntosh County Commissioner Office, County Courthouse, Darien, Georgia 31305. Send comments to Mr. R. D. Gardner, Chairman, McIntosh Board of County Commissioners, County Courthouse, P.O. Box 584 or Mr. Bert Manning, County Tax Accessor, County Courthouse, P.O. Box 801, Darien, Georgia 31305.			
Massachusetts	Ashburnham, Town, Worcester County	Phillips Brook	Downstream corporate limits	*820
			Upstream of Whitman Hill Road	*857
			Upstream of Factory Village Dam	*920
			Upstream of Puffer Road	*972
			Upstream of Old Mill Dam	*1,058
			Upstream of Ashby Road	*1,017
			Approximately 1,165 feet upstream of Ashby Road	*1,132
		Whitman River	Downstream corporate limits	*829
			Upstream of Main Street	*882
			Upstream of Pleasant Street	*968
			Approximately 230 feet upstream of Center Street	*991
	Maps available for inspection at the Selectman's Office, Town Hall, Ashburnham, Massachusetts. Send comments to Honorable Leo P. Collette, Jr., Chairman of the Ashburnham Board of Selectmen, Town Hall, Ashburnham, Massachusetts 10430.			
Massachusetts	New Braintree, Town, Worcester County	Ware River	Downstream corporate limits	*553
			Upstream of CONRail	*548
			Upstream Sibley Road	*556
			Upstream New Silver bridge	*566
			Upstream Wheelwright Dam	*575
			Upstream corporate limits	*579
		Winimusset Brook	Confluence with Ware River	*569
			Upstream of Wine Road	*600
		Suckar Brook	Downstream corporate limits	*791
			Upstream Utley Road	*889
			Upstream Barre Road	*919
			Outlet to Gusky Pond Stream	*980
		Mill Brook	Downstream corporate limits	*644
			At confluence of Meadow Brook	*649
		Meadow Brook	Confluence with Mill Brook	*649
			Upstream Pierce Road	*668
			Upstream West Brookfield Road	*669
			Upstream corporate limits	*701
	Maps available for inspection at the Planning Board, New Braintree Grade School, New Braintree, Massachusetts. Send comments to Honorable Dorothea Vitrak, Chairman of the New Braintree Town Board of Selectmen, New Braintree Grade School, New Braintree, Massachusetts 05131.			
Michigan	(C) Portland Ionia County	Grand River	About 1.2 miles downstream of Chessie System	*706
			About 0.8 mile upstream of Bridge Street	*716
	Maps available for inspection at City Hall, 259 Kent Street, Portland, Michigan. Send comments to Honorable Joseph V. Tichuon, Mayor, City of Portland, City Hall, 259 Kent Street, Portland, Michigan 48875.			
New Jersey	Barnegat Light, Borough, Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Barnegat Bay	Shoreline at 13th Street extended west	*7
	Maps available for inspection at the Municipal Building, Ten West 10th Street, Barnegat Light, New Jersey. Send comments to Honorable Henry Ghiglotty, Mayor of the Borough of Barnegat Light, P.O. Box 415, Barnegat Light, New Jersey 08006.			

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Beach Haven, Borough, Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Little Egg Harbor	Entire shoreline of Little Island	*12
			Entire shoreline within community	*10
Maps available for inspection at the Municipal Building, 300 Engleside Avenue, Beach Haven, New Jersey. Send comments to Honorable Watson F. Pharo, Mayor of the Borough of Beach Haven, 300 Engleside Avenue, Beach Haven, New Jersey 08008.				
New Jersey	Guttenberg, Town, Hudson County	Hudson River	Entire shoreline within community	*10
Maps available for inspection at the Town Hall, 6808 Park Avenue, Guttenberg, New Jersey. Send comments to Honorable Raymond A. Schnyder, Mayor of the Town of Guttenberg, 6808 Park Avenue, Guttenberg, New Jersey 07093.				
New Jersey	Harvey Cedars, Borough, Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Manahawkin Bay	Entire shoreline within community	*7
Maps available for inspection at the Municipal Building, 16th Street and Long Beach Boulevard, Harvey Cedars, New Jersey. Send comments to Honorable John D. Haight, Mayor of Harvey Cedars, P.O. Box 435, Harvey Cedars, New Jersey 08008.				
New Jersey	Long Beach, Township Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Barnegat Bay	Shoreline at Cedars Avenue extended	*7
		Manahawkin Bay	Shoreline at Roxie Avenue extended	*9
		Little Egg Harbor	Shoreline at Hobart Avenue extended	*10
			Shoreline 2,000 feet southwest of Roosevelt Avenue extended.	
Maps available for inspection at the Long Beach Township Municipal Building, 6805 Long Beach Boulevard, Beach Haven, New Jersey. Send comments to Honorable James J. Mancini, Mayor of Long Beach Township, 6805 Long Beach Boulevard, Beach Haven, New Jersey 08008.				
New Jersey	Ogdensburg, Borough, Sussex County	Wallkill River	Downstream corporate limits	*556
			Passaic Avenue (upstream side)	*569
			Approximately 70' upstream of Brooks Flat Road	*574
			Upstream corporate limits	*574
Maps available for inspection at the Municipal Building, 14 Highland Avenue, Ogdensburg, New Jersey. Send comments to Honorable John Kibitbis, Mayor of the Borough of Ogdensburg, 14 Highland Avenue, Ogdensburg, New Jersey 07439.				
New Jersey	Perth Amboy, City, Middlesex County	Raritan River	Shoreline west of State Routh 35 bridge	*13
			Shoreline east of State Route 35 bridge	*10
			Shoreline at CONRAIL bridge	*13
		Arthur Kill	Shoreline at Smith Street	*13
			Shoreline at Buckingham Avenue	*12
			shoreline at State Route 440	*12
			Entire shoreline of Woodbridge River	*10
		Spa Spring Creek	Upstream of CONRAIL bridge	*13
			Upstream of Amboy Avenue	*14
Maps available for inspection at the Municipal Building, 260 High Street, Perth Amboy, New Jersey. Send comments to Honorable George J. Otlowski, Mayor of the City of Perth Amboy, 260 High Street, Perth Amboy, New Jersey 08861.				
New Jersey	Princeton, Township, Mercer County	Millstone River	Downstream corporate limits	*54
			Upstream side of Carnegie, Lake Dam	*57
			Confluence of Stony Brook (upstream corporate limits)	*58
		Stony Brook	Confluence with Millstone River	*58
			Upstream side of Alexander Road	*61
			Upstream side of Princeton Pike	*75
			Upstream of Rosedale Road	*88
			Upstream of corporate limits	*115
		Mountain Brook	Confluence with Stony Brook	*88
			Upstream side of Great Road East	*99
			Mountain Lake—entire shoreline	*124
			100 feet upstream of upstream crossing of Gread Road East culvert.	*188
		Branch 2 Mountain Brook	Confluence with Mountain Brook	*109
			Upstream side of Private Road located approximately 1,300 feet upstream of confluence with Mountain Brook.	*118
			Approximately 350' downstream of Cherry Hill Road	*132
		Van Horn Brook	Downstream corporate limits	*134
			Upstream side of U.S. Route 206	*175
			100 feet upstream of Arrenton Road	*204
		Cherry Dam	Downstream Corporate limits	*194
			Upstream side of Cherry Hill Road	*221
		Tributary to Van Horn Brook	Downstream Corporate limits	*138
			Upstream side of Herrontown Road	*172
		Harry's Brook	Confluence with Millston River	*57
			Upstream side of Roper Road	*79
			Upstream side of dam just upstream of Locust Land	*87
			Upstream side of Snowden Lane	*105
		Harry's Brook Branch 1	Confluence with Harry's Brook	*60
			Upstream side of Shadybrook Lane	*83
			Upstream side of Bertrand Drive	*114
		Harry's Brook Branch 2	Confluence with Harry's Brook	*69
			Upstream side of Shadybrook Lane	*87
			Upstream side of Snowden Lane	*108
			Upstream side of Terhune Road	*129
			Upstream side of Thanet Road	*155

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream side of Harrison Street	*171
		Harry's Brook Branch 2-1	Confluence with Harry's Brook Branch 2	*108
			Upstream side of Van Dyke Road	*127
		Harry's Brook Branch 2-2	Confluence with Harry's Brook Branch 2	*115
			Upstream side of Grove Avenue	*142

Maps available for inspection at the Municipal Building, 369 Witherspoon Street, Princeton, New Jersey.
Send comments to Honorable Winthrop Pike, Mayor of Princeton Township, 369 Witherspoon Street, Princeton, New Jersey 08540.

New Jersey	Ship Bottom, Borough, Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Manahawkin Bay	Shoreline at 27th Avenue extended	*10
			Shoreline at 11th Avenue extended	*8
			Shoreline at 21st Avenue extended	*9

Maps available for inspection at the Municipal Building, 17th and Boulevard, Ship Bottom, New Jersey.
Send comments to Honorable Robert W. Nissen, Mayor of the Borough of Ship Bottom, 17th and Boulevard, Ship Bottom, New Jersey 08008.

New Jersey	Surf City, Borough, Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Manahawkin Bay	Entire shoreline within community	*8

Maps available for inspection at the Municipal Building, 813 Boulevard, Surf City, New Jersey.
Send comments to Honorable Leonard T. Connors, Jr., Mayor of Surf City, 813 Boulevard, Surf City, New Jersey 08008.

New Jersey	Weehawkin, Township, Hudson County	Hudson River	Entire shoreline affecting community	*10

Maps available for inspection at the Town Hall, 400 Park Avenue, Weehawkin, New Jersey.
Send comments to Honorable Wally P. Lindsey, Mayor of the Town of Weehawkin, 400 Park Avenue, Weehawkin, New Jersey 07087.

New Jersey	West New York, Town Hudson County	Hudson River	Entire shoreline within community	*10

Maps available for inspection at the Town Hall, 428 60th Street, West New York, New Jersey.
Send comments to Honorable Anthony M. DeFino, 428 60th Street, West New York, New Jersey 07093.

New York	Barker, Village, Niagara County	Golden Hill Creek	Approximately 800' upstream of State Route 148	*330
			Approximately 1,900' downstream of State Route 148	*326

Maps available for inspection at the Village Hall, 8708 Main Street, Barker, New York.
Send comments to Honorable Harold Eckers, Mayor of the Village of Barker, 8708 Main Street, Barker, New York 14012.

New York	Fishkill, Town, Dutchess County	Hudson River	Downstream corporate limits	*8
			Upstream corporate limits	*8
		Fishkill Creek	Confluence with Hudson River	*8
			Second upstream corporate limits	*183
			Upstream of Interstate Route 84 westbound	*212
			Upstream of U.S. Route 9	*214
			Fourth downstream corporate limits	*216
			Upstream of State Route 52	*222
			Upstream corporate limits	*225
		Clove Creek	Confluence with Fishkill Creek	*212
			Upstream of downstream Private Road	*217
			Downstream Private Road	*230
			Upstream of upstream Private Road	*244
			Upstream corporate limits	*250
		Sprout Creek	Confluence with Fishkill Creek	*225
			Upstream corporate limits	*227
		Tributary to Fishkill Creek	Confluence with Fishkill Creek	*211
			Upstream of Wheaton Avenue	*215
			Upstream of U.S. Route 9	*224
			Approximately 2,700' downstream of Cedar Hill Road	*225

Maps available for inspection at the Office of the Town Clerk, 108 Main Street, Fishkill, New York.
Send comments to Honorable Stephen Rabbitt, Supervisor of the Town of Fishkill, 108 Main Street, Fishkill, New York 12524.

New York	Genesee Falls, Town, Wyoming County	Genesee River	Upstream limit of Letchworth State Park	*1,114
			Upstream side County Route 436 bridge	*1,117
			At Whiskey bridge	*1,120

Maps available for inspection at the Town Hall, Church Street, Portageville, New York.
Send comments to Honorable Elizabeth Niederhauser, Supervisor of the Town of Genesee Falls, Portageville, New York 14536.

New York	Hanover, Town, Chautauqua County	Cattaraugus Creek	Confluence with Lake Erie	*579
			Approximately 1,500 feet upstream of State Route 50 and U.S. Route 20.	*591
		Halfway Brook	Confluence with Lake Erie	*579
			Upstream Blading Road	*626
			Approximately 5,900 feet upstream of Blading Road	*747
		Silver Creek	Approximately 700 feet downstream of King Road	*856
			Upstream first crossing of Alleghany Road	*869
			Approximately 3,200 feet upstream of second crossing of Alleghany Road.	*961
		Walnut Creek	Downstream corporate limits	*908
			Upstream Loana Road	*944
			Upstream corporate limits	*1,024

Maps available for inspection at the Hanover Town Hall, 239 Central Avenue, Silver Creek, New York.
Send comments to Honorable Larry A. Youngberg, Supervisor of the Town of Hanover, 239 Central Avenue, Silver Creek, New York 14136.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
New York	Hempstead, Town, Nassau County	Atlantic Ocean	Entire shoreline within community	*14
		Reynolds Channel	Shoreline at northern end of Jefferson Boulevard (extended).	*7
				*8
			Shoreline at northern end of Richard Street (extended)	*9
			Shoreline at Cinder Island	
		Middle Bay	Shoreline at Colony Drive (extended)	*9
			Shoreline of Parsonage Creek at Jay Way (extended)	*7
		East Bay	Shoreline at Whalenock Point	*9
			Shoreline of Mud Creek at John Street (extended)	*7
		Head of Bay	Shoreline at Meadow Road (extended)	*9
			Shoreline of Hook Creek at Rockaway Turnpike	*8
Maps available for inspection at the Office of the Commissioner of the Building Department, Town Hall, Hempstead, New York.				
Send comments to Honorable Thomas Gulotta, Supervisor of the Town of Hempstead, Town Hall, Town Hall Plaza, Hempstead, New York 11550.				
New York	Pork Chester, Village Westchester County	Long Island Sound	Shoreline of Port Chester Harbor	*17
		Byram River at Interstate Route 95		*12
Maps available for inspection at the Village Hall, 110 Willett Avenue, Port Chester, Port Chester, New York.				
Send comments to Honorable Peter Iasillo, Mayor of the Village of Port Chester, 110 Willett Avenue, Port Chester, New York 10573.				
Oregon	Adams (City), Umatilla County	Wildhorse Creek	Intersection of Wade Street and Main Street	*1,517
		Sand Hollow Creek	Intersection of William Street and East Street	*1,523
Maps available for inspection at City Recorder's Home, Box 112, Adams, Oregon.				
Send comments to the Honorable Mike Edmiston, Box 20, Adams, Oregon 97810.				
Pennsylvania	Douglass, Township, Montgomery County	Minister Creek	Downstream corporate limits	*271
			Upstream Gilbertsville Road	*266
			Upstream Minister Creek Dam No. 1	*310
			At upstream corporate limits	*337
		Oley Creek	*At confluence with Minster Creek	*275
			Upstream of Gilbertsville Road	*293
			Upstream of Sweinhart Road	*358
			Approximately .24 mile upstream of Sweinhart Road	*374
		Swamp Creek	Most downstream corporate limits	*271
			Upstream of Congo Road	*291
			Approximately .76 mile downstream of County Line Road.	*296
			Approximately 220 feet upstream of County Line Road and County boundary.	*311
		Middle Creek	Downstream corporate limits	*266
			Upstream of dam	*276
			Approximately .58 mile upstream of Dam	*282
		Schlegel Run	Downstream corporate limits	*276
			Upstream of Hoffmansville Road	*306
			Downstream of Hoffmansville Road	*346
		West Branch Perkiomen Creek	Upstream of West Branch Road	*345
			Approximately .38 mile upstream of Dam No. 1	*386
			Upstream of Miller Road	*395
			Upstream County boundary	*411
Maps available for inspection at the Municipal Building, Gilbertsville, Pennsylvania.				
Send comments to Honorable Walter Hiriak, Chairman of the Douglass Township Board of Supervisors, 1320 East Philadelphia Avenue, Gilbertsville, Pennsylvania 19525.				
Pennsylvania	Honey Brook, Township, Chester County	West Branch Brandywine Creek	Approximately 3,800 feet downstream of South Birdell Road.	*596
			Confluence of Two Log Run	*603
			Just downstream of Horseshoe Pike	*609
		Two Log Run	Confluence with West Branch Brandywine Creek	*603
			Approximately 60 feet upstream of Beaver Dam Road	*606
Maps available for inspection at the Township Building, Suplee Road, Honey Brook, Pennsylvania.				
Send comments to Honorable James A. Umble, Chairman of the Honey Brook Township Supervisors, Box K, Honey Brook, Pennsylvania 19344.				
Pennsylvania	Newlin, Township, Chester County	West Branch Brandywine creek	Downstream corporate limits	*203
			Upstream side State Route 162	*227
			Upstream side Youngs Road	*235
			Upstream corporate limits	*251
Maps available for inspection at the Township Building, Strasburg Road, Newlin, Pennsylvania.				
Send comments to Honorable Robert E. Lee, Jr., Chairman of the Newlin Township Supervisors, R.D. 4, Box 344, Coatesville, Pennsylvania 19320				
Pennsylvania	Valley, Township, Chester County	Sucker Run	Downstream corporate limits	*319
			Downstream Grove Avenue	*365
			Approximately 50 feet downstream of Red Road	*413

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rock Run	Confluence with West Branch Brandywine Creek	*335
			Upstream of U.S. Route 30 by Pass	*378
			Approximately 400 feet downstream of corporate limits	*405
		West Branch Brandywine Creek	Most downstream corporate limits	*308
			Most upstream corporate limits	*345
			Upstream of Glencrest Road	*322

Maps available for inspection at the Valley Township Building, 890 West Lincoln Highway, Coatesville, Pennsylvania.
Send comments to Honorable Charles Michinok, Chairman of the Valley Township Supervisors, 890 West Lincoln Highway, Coatesville, Pennsylvania 19320.

Pennsylvania	West Nantmeal, Township, Chester County	Tributary to East Branch Brandywine Creek.	Approximately 600 feet downstream of Creek Road	*498
			Upstream Creek Road	*524
			Approximately 320 feet upstream of Access Road	*544

Maps available for inspection at the Township Building, Route 82, West Nantmeal, Pennsylvania.
Send comments to Honorable Omar Bean, Chairman of the West Nantmeal Township Supervisors, R.D. 2, Box 69, Elverson, Pennsylvania 19520.

Pennsylvania	West Rockhill, Township, Bucks County	Three Mile Run	At downstream corporate limits	*470
			Just upstream Mill Road	*479
			Just downstream of Catch Basin Road	*493
		Tributary to Three Mile Run	Confluence with Three Mile Run	*481
			Just downstream of Forrest Road	*515
		Ridge Valley Creek	At downstream corporate limits	*397
			Upstream of downstream Crossing Upper Rocky Dale Road.	*419
			Just downstream of Allentown Road	*451
		East Branch Perkiomen Creek	At downstream corporate limits	*275
			Upstream Cat Hill Road	*291
			Upstream U.S. Route 309	*296
			At upstream corporate limits	*302

Maps available for inspection at the West Rockhill Township Municipal Building, 1028 Ridge Road, Sellersville, Pennsylvania.
Send comments to Honorable Riochard D. Derstine, Chairman of the West Rockhill Board of Supervisors, 1028 Ridge road, Sellersville, Pennsylvania 18960.

Rhode Island	Middletown, Town, Newport County	Narragansett Bay	Entire shoreline within community	*17
		Rhode Island Sound	Ellery Avenue (extended)	*28
			Hoover Road (extended)	*19
			Easton Point	*28
			Ashurt Avenue (extended)	*28
			Purgatory Road (extended)	*34
			Rocks Road (extended)	*19
			Sachuest Point	*23
		Sakonnet River	Matthews Lane (extended)	*34
			Buena Vista Avenue (extended)	*28
			Peckham Avenue (extended)	*18
		Bailey Brook	Green End Avenue (upstream side)	*13
			Clambake Road (upstream side)	*22
			East Main Road (upstream side)	*45
			Woolsey Road (upstream side)	*72
			Approximately 1,400 feet upstream of St. Lucy School Drive.	*115
		Paradise Brook	Confluence with Nelson Pond	*13
			Access Road (upstream side)	*64
			Green End Avenue (upstream side)	*128
			Upstream of Mitchells Lane	*166
		Maidford River	Approximately 420 feet downstream of Easton Farm Drive.	*13
			Reservoir Road (upstream side)	*47
			Prospect Avenue (upstream side)	*72
			Green End Avenue (upstream side)	*105
			Berkeley Avenue (upstream side)	*117
			Approximately 600 feet upstream of Wyatt Road	*154

Maps available for inspection at the Town Hall, Middletown, Rhode Island.
Send comments to the Honorable Edward Corcoran, Chairman of the Middletown Council, 350 East Main Road, Middletown, Rhode Island 02840.

West Virginia	Hancock County Unincorporated Areas	Ohio River	Downstream County boundary	*675
			Upstream New Cumberland Lock and Dam	*680
			Upstream Newell Highway bridge	*687
			Upstream County boundary	*690
		Kings Creek	Confluence with Ohio River	*675
			Upstream Private Road	*711
			Upstream Kings Creek Road (1st crossing)	*737
			Upstream Sandra Drive	*778
			Upstream Culler Road	*805
			Upstream County boundary	*829
		North Fork	Confluence with Kings Creek	*747
			Upstream North Fork Road	*778
		Tomlinson Run	Confluence with Ohio River	*681
			Approximately .98 mile upstream of confluence with Ohio River.	*696

Maps available for inspection at the Hancock County Courthouse, New Cumberland, West Virginia.
Send comments to the Honorable George Gudyick, President of the Commissioners, P.O. Box 485, Hancock County Courthouse, New Cumberland, West Virginia 26047.

West Virginia	Marshall County	Ohio River	At downstream county boundary	*640
			At Captina Island	*648
			At corporate limits of City of McMechen	*655

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Wheeling Creek	At downstream county boundary	*699
			County Route 5 (most downstream crossing) upstream side.	*727
			At Burch Road	*771
		Little Grave Creek	At corporate limits of City of Moundsville	*652
			Lindy Lane (upstream side)	*674
			Approximately .56 mile upstream of Lindy Lane	*686

Maps available for inspection at the Marshall County Courthouse, Moundsville, West Virginia.

Send comments to Honorable Richard Ward, President of the Commissioners, Marshall County Courthouse, Moundsville, West Virginia 26041.

West Virginia	Monongalia County	Deckers Creek	Downstream corporate limits of City of Morgantown	*845
			Downstream of State Route 7	*890
			Downstream side access road bridge	*948
			Approximately 634 feet upstream of State Route 7 bridge.	*1,017
		Dunkard Creek	Downstream county boundary	*914
			Upstream side, most downstream County Route 39 bridge.	*920
				*926
			Upstream side, most upstream County Route 39 bridge.	*940
			Downstream side, most downstream State Route 7 bridge.	
			Downstream side, most upstream State Route 7 bridge.	*946
			Most upstream county boundary	*956
		Monongahela River	Downstream county boundary	*807
			Downstream side, Star City Highway bridge	*811
			Most downstream City of Morgantown corporate limits	*812
			Upstream side, Morgantown Lock and Dam	*819
			Most upstream Morgantown corporate limits	*820
			Upstream side, Interstate 79 bridge	*823
			Upstream side, Hildebrande Locke and Dam	*835
			Upstream side, Opekiska Lock and Dam	*857
			Upstream county boundary	*861
		Aaron Creek	Downstream City of Morgantown corporate limits	*845
			Upstream side, downstream County Route 64 bridge	*849
			Upstream side, upstream County Route 64 bridge	*854

Maps available for inspection at the Monongalia County Courthouse, 245 High Street, Morgantown, West Virginia.

Send comments to Honorable Eugene J. Sellard, Jr., president of the Monongalia County Commissioners, Monongalia County Courthouse, Morgantown, West Virginia 26505.

West Virginia	Pratt, Town, Kanawha County	Kanawha River	Confluence of Paint Creek	*614
			Upstream corporate limits	*615
		Paint Creek	Confluence with Kanawha River	*614
			Upstream corporate limits	*615

Maps available for inspection at the Town Hall, Pratt, West Virginia.

Send comments to Honorable B. G. Crookshanks, Mayor of the Town of Pratt, Town Hall, P.O. Box 126, Pratt, West Virginia 25162.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: July 26, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-21641 Filed 8-8-83; 8:45 am]

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44 CFR Part 67

[Docket No. 6514]

National Flood Insurance Program; Proposed Flood Elevation Determinations, Minnesota; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Stillwater, Washington County, Minnesota, previously published at 48 FR 20941 on May 10, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Stillwater, Washington County, Minnesota previously published at 48 FR 20951 on May 10, 1983, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

The modified Base Flood Elevation Determination on the Saint Croix River, which reads at upstream corporate

limits, has been changed from 633 to 693 to better agree with the flood profile.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Minnesota	(C) Stillwater Washington County	Saint Croix River	At downstream corporate limits	*693	*692
			At upstream corporate limits	*693	*693
		Browns Creek	About 1,300 feet upstream of State Highway 96	*707	*705
		Long Lake	Shoreline	None	*983

Maps available for inspection at City Hall, 216 North Fourth Street, Stillwater, Minnesota.

Send comments to Honorable Nile Kriesel, Finance Coordinator and Director, City of Stillwater, City Hall, 216 North Fourth Street, Stillwater, Minnesota 55082.

(National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: July 28, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-21637 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6499]

Proposed Flood Elevation Determinations; Oregon

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule; Revision.

SUMMARY: Technical information or comment s are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Echo, Oregon.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 48 FR 10883 on March 15, 1983 and in *East Oregonia*, published on or about February 3, 1983, and February 10, 1983, and hence supersedes those previously published rules for the areas cited below.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the proposed flood elevations are available for review at City Hall, Bonanza, Echo, Oregon.

Send comments to: Honorable Marvin Storz, P.O. Box 9, Echo, Oregon 97826.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: Proposed base (100-year flood elevations are listed below for selected locations in the City of Echo, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 92–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subject in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations are: