

List of Subjects in 42 CFR Part 447

Accounting, Administrative practice and procedure, Drugs, Grant programs—health, Health facilities, Health professions, Medicaid, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV as set forth below:

PART 447—PAYMENTS FOR SERVICES

- 1. The authority citation for part 447 continues to read as follows:

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

- 2. Section 447.299 is amended by revising paragraph (c)(10) to read as follows:

§ 447.299 Reporting requirements.

* * * * *

(c) * * *

(10) *Total Cost of Care for Medicaid IP/OP Services.* The total annual costs incurred by each hospital for furnishing inpatient hospital and outpatient hospital services to Medicaid eligible individuals. The total annual costs are determined on a hospital-specific basis, not a service-specific basis. For purposes of this section, costs—

(i) Are defined as costs net of third-party payments, including, but not limited to, payments by Medicare and private insurance.

(ii) Must capture the total burden on the hospital of treating Medicaid eligible patients prior to payment by Medicaid. Thus, costs must be determined in the aggregate and not by estimating the cost of individual patients. For example, if a hospital treats two Medicaid eligible patients at a cost of \$2,000 and receives a \$500 payment from a third party for each individual, the total cost to the hospital for purposes of this section is \$1,000, regardless of whether the third party payment received for one patient exceeds the cost of providing the service to that individual.

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Dated: March 24, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: March 28, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017-06538 Filed 3-30-17; 4:15 pm]

BILLING CODE 4120-01-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 64**

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-8473]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at <https://www.fema.gov/national-flood-insurance-program-community-status-book>.

DATES: The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Patricia Suber, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW., Washington, DC 20472, (202) 646-4149.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public

body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National

Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.
Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.
 Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
Tennessee:				
Belle Meade, City of, Davidson County	470408	N/A, Emerg; September 29, 2003, Reg; April 5, 2017, Susp.	April 5, 2017	April 5, 2017.
Oak Hill, City of, Davidson County	470351	August 18, 1975, Emerg; April 1, 1980, Reg; April 5, 2017, Susp.	.....do	Do.
Region VI				
Texas:				
San Perlita, City of, Willacy County	480667	February 16, 1979, Emerg; May 5, 1981, Reg; April 5, 2017, Susp.	.....do	Do.
Willacy County, Unincorporated Areas	480664	July 25, 1975, Emerg; February 15, 1984, Reg; April 5, 2017, Susp.	.....do	Do.
Region VII				
Iowa:				
Bayard, City of, Guthrie County	190553	N/A, Emerg; October 15, 2015, Reg; April 5, 2017, Susp.	.....do	Do.
Fontanelle, City of, Adair County	190579	N/A, Emerg; November 25, 2015, Reg; April 5, 2017, Susp.	.....do	Do.
Guthrie County, Unincorporated Areas	190871	November 9, 1993, Emerg; September 1, 1996, Reg; April 5, 2017, Susp.	.....do	Do.
Jamaica, City of, Guthrie County	190744	June 24, 2008, Emerg; May 1, 2011, Reg; April 5, 2017, Susp.	.....do	Do.
Prescott, City of, Adams County	190004	October 12, 2005, Emerg; January 1, 2006, Reg; April 5, 2017, Susp.	.....do	Do.
Region X				
Oregon:				
Ashland, City of, Jackson County	410090	August 9, 1974, Emerg; June 1, 1981, Reg; April 5, 2017, Susp.	.....do	Do.
Jackson County, Unincorporated Areas	415589	December 31, 1970, Emerg; April 1, 1982, Reg; April 5, 2017, Susp.	.....do	Do.

-do- = Ditto.

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

Dated: March 27, 2017.

Michael M. Grimm,

*Assistant Administrator for Mitigation,
Federal Insurance and Mitigation
Administration, Department of Homeland
Security, Federal Emergency Management
Agency.*

[FR Doc. 2017-06426 Filed 3-31-17; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

45 CFR Parts 500 and 510

[Docket No. FCSC 101]

Filing of Claims Under the Guam World War II Loyalty Recognition Act

AGENCY: Foreign Claims Settlement
Commission of the United States,
Department of Justice.

ACTION: Interim final rule with request
for comments.

SUMMARY: The Guam World War II
Loyalty Recognition Act authorizes the
Foreign Claims Settlement Commission
of the United States to adjudicate claims
and determine the eligibility of
individuals for payment for harms
suffered by residents of Guam resulting
from the occupation of Guam by
Imperial Japanese military forces during
World War II. This rule establishes
procedures for the filing and
adjudication of claims brought under
the Guam Loyalty Recognition Act. The
rule also provides definitions for the
statutory terms “severe personal injury”
and “personal injury,” and amends
regulations concerning the payment of
attorney’s fees.

DATES:

Effective date: This rule is effective
April 3, 2017.

Comment date: Written comments
must be submitted on or before June 2,
2017. Comments received by mail will
be considered timely if they are
postmarked on or before that date. The
electronic Federal Docket Management
System (FDMS) will accept comments
until midnight Eastern Time at the end
of that day.

ADDRESSES: Please address all
comments regarding this rule that are
submitted by U.S. mail to Jeremy R.
LaFrancois, Chief Administrative
Counsel, Foreign Claims Settlement
Commission, 600 E Street NW., Room
6002, Washington, DC 20579. To ensure
proper handling, please reference FCSC
Docket No. 101 on your correspondence.
Comments may also be submitted

electronically through [http://
www.regulations.gov](http://www.regulations.gov) using the electronic
comment form provided on that site. An
electronic copy of this document is also
available at the [http://
www.regulations.gov](http://www.regulations.gov) Web site. The
Commission will accept attachments to
electronic comments in Microsoft Word,
WordPerfect, or Adobe PDF formats
only.

FOR FURTHER INFORMATION CONTACT:

Brian M. Simkin, Chief Counsel, Foreign
Claims Settlement Commission, 600 E
Street NW., Room 6002, Washington,
DC 20579, Tel. (202) 616-6975, FAX
(202) 616-6993.

SUPPLEMENTARY INFORMATION:

Public Comments

The Commission is publishing this
interim final rule, effective April 3,
2017, in light of the statutory
requirements of the Act. The
Commission is providing a 60-day
period for public comment.

Posting of Public Comments

Please note that all comments
received are considered part of the
public record and made available for
public inspection online at [http://
www.regulations.gov](http://www.regulations.gov). Information made
available for public inspection includes
personal identifying information (such
as your name, address, etc.) voluntarily
submitted by the commenter.

If you wish to submit personal
identifying information (such as your
name, address, etc.) as part of your
comment, but do not wish it to be
posted online, you must include the
phrase “PERSONAL IDENTIFYING
INFORMATION” in the first paragraph
of your comment. You must also locate
all the personal identifying information
that you do not want posted online in
the first paragraph of your comment and
identify what information you want the
agency to redact. Personal identifying
information identified and located as set
forth above will be placed in the
agency’s public docket file, but not
posted online.

If you wish to submit confidential
business information as part of your
comment but do not wish it to be posted
online, you must include the phrase
“CONFIDENTIAL BUSINESS
INFORMATION” in the first paragraph
of your comment. You must also
prominently identify confidential
business information to be redacted
within the comment. If a comment has
so much confidential business
information that it cannot be effectively
redacted, the agency may choose not to
post that comment (or to only partially
post that comment) on [http://](http://www.regulations.gov)

www.regulations.gov. Confidential
business information identified and
located as set forth above will not be
placed in the public docket file, nor will
it be posted online. If you wish to
inspect the agency’s public docket file
in person by appointment, please see
the **FOR FURTHER INFORMATION CONTACT**
paragraph.

Background

Pursuant to the Guam War Claims
Review Commission Act, Public Law
107-333, 116 Stat. 2873 (2002), the
Guam War Claims Review Commission
(“GWCRC”) was established to evaluate
the war claims compensation program
conducted by the U.S. Navy on Guam
during and after World War II, and to
compare it with other compensation
programs covering claims of U.S.
nationals arising in other areas in the
Pacific attacked by Japanese forces
during the war. The GWCRC was
required to submit a report of its
findings and recommendations to the
Secretary of the Interior and specified
Congressional committees within nine
months of its establishment. Public Law
107-333, section 5(6).

In September 2003, the Secretary of
the Interior requested the Foreign
Claims Settlement Commission of the
United States (Commission) to provide
part-time technical assistance to
GWCRC. Between 2003 and 2004,
members of the Commission’s staff were
detailed to the GWCRC, where they
planned and organized GWCRC
meetings and conducted research on the
Guam claims program and the other
compensation programs with which it
was to be compared. The GWCRC held
hearings on Guam in December 2003, at
which it received testimony by
numerous residents of Guam who had
survived the 32-month Japanese
occupation of the island. The hearings
on Guam were followed by a legal
experts’ conference convened in
Washington, DC, in February 2004 to
discuss the nature and extent of the
United States Government’s legal
responsibility for the various types of
claims that arose out of World War II,
and the treatment the Government
accorded the claims of the people of
Guam as compared with that given to
the claims of United States nationals
elsewhere in the Pacific Ocean area.

The GWCRC’s Final Report, issued on
June 9, 2004, determined that, in some
respects, there was a lack of parity of
war claims paid to the residents of
Guam compared with awards made to
other similarly affected U.S. citizens or
nationals in territory occupied by the
Imperial Japanese military forces during
World War II. Based on this