FOR FURTHER INFORMATION CONTACT: Mr. Earl G. Hendrick, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8519 or 1-800-533-3508.

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is: Pesses Chemical Company Site, Fort Worth, Tarrant County, Texas, also known as the Pesses Company (S'West) Site.

A Notice of Intent to Delete for this Site was published on April 17, 1995, (60 FR 19203). The closing date for comments on the Notice of Intent to Delete was June 13, 1995. EPA received no letters or comments during the deletion period which opposed the deletion of this Site from the NPL. EPA received one telephone inquiry requesting information about the Site. A summary of this telephone conversation has been included in the EPA, Region 6, Deletion Docket for the Site.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP, provides that in the event of a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Hazardous

Dated: September 13, 1995. A. Stanley Meiburg, Acting Regional Administrator, Environmental Protection Agency, Region 6.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 2 FR 2923, 3 CFR 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing Pesses

Chemical Company Site, Fort Worth, Tarrant County, Texas.

[FR Doc. 95-24037 Filed 9-27-95; 8:45 am] BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431, 440, 442, 488, 489, and 498

[HSQ-156-CN]

RIN 0938-AD94

Medicare and Medicaid Programs: Survey, Certification and Enforcement of Skilled Nursing Facilities and **Nursing Facilities**

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

ACTION: Final rule and correction to final regulations.

SUMMARY: In the November 10, 1994 issue of the Federal Register (FR Doc. 94–27703) (59 FR 56116), we established rules for survey of skilled nursing facilities that participate in the Medicare program, and nursing facilities that participate in the Medicaid program. We also established remedies that we impose on facilities that do not comply with Federal participation requirements, as alternatives to program termination. This document corrects errors made in that document.

EFFECTIVE DATE: This correction and amendments to §§ 493.53 and 493.90 are effective on July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Deborah Kaplan Schoenemann (410) 786-6771.

SUPPLEMENTARY INFORMATION: On November 10, 1994, we published in the Federal Register, at 59 FR 56116, a final rule which established significant revisions to the process we use to survey skilled nursing facilities that participate in the Medicare program, and nursing facilities that participate in the Medicaid program. The rule also established remedies that we impose on facilities that do not comply with the Federal participation requirements, as alternatives to program termination. This notice corrects both typographical and technical errors made in that document.

I. Technical Corrections

In § 431.153(a), we are correcting an inadvertent error in terminology. Paragraph (a) states that, for actions specified in § 431.151, the "Medicaid

agency" must give a provider the opportunity for a full evidentiary hearing. This change in reference was unintentional since we never intended to limit the latitude that States have had for many years under the existing regulation. The existing regulation provided only that the "State" had the hearing responsibility thereby leaving it to the discretion of each State how best to organize its hearing system. Some States chose to have the Medicaid agency conduct hearings, while others have left this responsibility to the survey agencies. We are correcting this regulation by restoring the original language as intended.

In §§ 442.13 and 489.13, we

inadvertently carried forward provisions pertaining to the effective date of a provider agreement that we have had for many years, and that are inconsistent with other provisions of the November 10, 1994 rule. Sections 442.13 and 489.13, which cut across provider types, specify that a provider agreement is effective on the date that the provider meets all requirements or the date on which it meets condition level requirements with an acceptable plan of correction for lower level standard requirements, whichever is earlier. Because there are no longer standard level requirements for nursing homes, and because the definition of substantial compliance has been significantly redrawn, we need to conform these sections to reflect the new standard of compliance for nursing homes.

Under the rule published on November 10, 1994, a nursing home may continue to participate in the Medicare or Medicaid programs if it is in substantial compliance with Federal requirements. Because this standard is stricter than its predecessor, we now realize that once a nursing home achieves substantial compliance, it has made a sufficient demonstration to participate, and we do not require a plan of correction before the provider agreement is effective. Thus, if a nursing home is in substantial compliance on the date of the survey, its provider agreement is effective on the date of the survey. However, we still require that it submit an acceptable plan of correction at a later date for requirements that it does not fully meet. This is consistent with § 488.402(d), which provides that facility with deficiencies in program requirements must submit a plan of correction for approval except when the deficiencies are isolated and have a potential for minimal harm, but no actual harm has occurred. Therefore, we are removing the requirement in §§ 442.13(c)(3)(ii) and 489.13(b)(3)(ii) that a provider that is in substantial