

with NFPA 72, *National Fire Alarm Code*, for hard-wired AC systems; or

(B) The facility has a sprinkler system throughout that is installed, tested, and maintained in accordance with NFPA 13, *Automatic Sprinklers*.

\* \* \* \* \*

### Subpart I—Conditions of Participation for Intermediate Care Facilities for the Mentally Retarded

■ 13. Revise paragraph (j)(7) to § 483.470 to read as follows:

#### § 483.470 Condition of participation: Physical environment.

\* \* \* \* \*

(j) \* \* \*

(7) *Facilities that meet the LSC definition of a health care occupancy.*

(i) After consideration of State survey agency recommendations, CMS may waive, for appropriate periods, specific provisions of the Life Safety Code if the following requirements are met:

(A) The waiver would not adversely affect the health and safety of the clients.

(B) Rigid application of specific provisions would result in an unreasonable hardship for the facility.

(ii) Notwithstanding any provisions of the 2000 edition of the Life Safety Code to the contrary, a facility may install alcohol-based hand rub dispensers if—

(A) Use of alcohol-based hand rub dispensers does not conflict with any State or local codes that prohibit or otherwise restrict the placement of alcohol-based hand rub dispensers in health care facilities;

(B) The dispensers are installed in a manner that minimizes leaks and spills that could lead to falls;

(C) The dispensers are installed in a manner that adequately protects against access by vulnerable populations; and

(D) The dispensers are installed in accordance with chapter 18.3.2.7 of the Life Safety Code, as amended by NFPA Temporary Interim Amendment 00–1(101), issued by the Standards Council of the National Fire Protection Association on April 15, 2004. The Director of the Office of the Federal Register has approved NFPA Temporary Interim Amendment 00–1(101) for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the amendment is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD and at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC. Copies may be obtained from the National Fire

Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any additional changes are made to this amendment, CMS will publish notice in the **Federal Register** to announce the changes.

\* \* \* \* \*

### PART 485—CONDITIONS OF PARTICIPATION: SPECIALIZED PROVIDERS

■ 14. The authority citation for part 485 continues to read as follows:

**Authority:** Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395(hh)).

#### Subpart F—Conditions of Participation: Critical Access Hospitals (CAHs)

■ 15. Add a new paragraph (d)(7) to § 485.623 to read as follows:

#### § 485.623 Condition of participation: Physical plant and environment.

\* \* \* \* \*

(d) \* \* \*

(7) Notwithstanding any provisions of the 2000 edition of the Life Safety Code to the contrary, a critical access hospital may install alcohol-based hand rub dispensers in its facility if—

(i) Use of alcohol-based hand rub dispensers does not conflict with any State or local codes that prohibit or otherwise restrict the placement of alcohol-based hand rub dispensers in health care facilities;

(ii) The dispensers are installed in a manner that minimizes leaks and spills that could lead to falls;

(iii) The dispensers are installed in a manner that adequately protects against access by vulnerable populations; and

(iv) The dispensers are installed in accordance with chapter 18.3.2.7 of the Life Safety Code, as amended by NFPA Temporary Interim Amendment 00–1(101), issued by the Standards Council of the National Fire Protection Association on April 15, 2004. The Director of the Office of the Federal Register has approved NFPA Temporary Interim Amendment 00–1(101) for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the amendment is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD and at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any

additional changes are made to this amendment, CMS will publish notice in the **Federal Register** to announce the change.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program).

Dated: September 1, 2004.

**Mark B. McClellan,**

*Administrator, Centers for Medicare & Medicaid Services.*

Approved: December 7, 2004.

**Tommy G. Thompson,**

*Secretary.*

[FR Doc. 05–5919 Filed 3–24–05; 8:45 am]

BILLING CODE 4120–01–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018–AI20

#### Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Topeka Shiner

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule; correction.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce corrections to the final rule designating critical habitat for the Topeka shiner (*Notropis topeka*), published in the **Federal Register** on July 27, 2004. In the final rule, the map legends incorrectly referred to stream segments as “proposed” critical habitat rather than “designated” critical habitat, and six transcription errors were included in legal descriptions of critical habitat from Unit 1 (Iowa) and Unit 4 (Minnesota). This document corrects these errors.

**DATES:** Effective August 26, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Vernon Tabor, Kansas Ecological Services Field Office, 315 Houston Street, Suite E, Manhattan, Kansas 66502 (telephone 785–539–3474; facsimile 785–539–8567). The complete file for this correction document and the rule are available for public inspection, by appointment, during normal business hours at the above address. Copies of the rule, draft economic analysis, and draft environmental assessment are available by writing to the above address or by connecting to the Service

Internet Web site at <http://mountain-prairie.fws.gov/topekashiner/ch>.

**SUPPLEMENTARY INFORMATION:** On July 27, 2004, we published a final rule designating critical habitat for the Topeka shiner (*Notropis topeka*), a species of fish native to small streams in the Central Plains Region (69 FR 44736). The map legends on the five maps included in the final rule incorrectly referred to “proposed critical habitat” rather than “designated critical habitat” and “not proposed as critical habitat” rather than “not designated as critical habitat.” In addition, the final rule included six transcription errors in legal descriptions of critical habitat from Unit 1 (North Raccoon River Watershed, Iowa) and Unit 4 (Big Sioux River/Rock Rivers Watershed, Minnesota). Finally, Map 4 had one typographical error in the title. We are providing corrected maps and corrected legal coordinates for the description of designated critical habitat for Topeka shiner.

In the final rule, we designated as critical habitat a total of 83 stream segments, representing 1,356 kilometers (836 miles) of stream in the States of

Iowa, Minnesota, and Nebraska. We excluded from designation all previously proposed critical habitat in the States of Kansas, Missouri, and South Dakota under authority of sections 3(5)(A) and 4(b)(2) of the Endangered Species Act (Act), and excluded critical habitat from designation on the Fort Riley Military Installation in Kansas under authority of section 4(a)(3) of the Act. The number of stream segments and length of stream channel designated as critical habitat do not change with this correction document, nor do the exclusions provided by the final rule.

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

#### Regulation Correction

#### PART 17—[CORRECTED]

■ For reasons set forth in the preamble, 50 CFR part 17 is corrected by making the following correcting amendments:

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. In § 17.95 for the “Topeka Shiner” amend paragraphs (e)(5)(i) and (ii), by revising “R35W” to read “R36W” wherever it appears.

■ 3. In § 17.95(e)(5)(x), correct the legal description for Unit 1 to read as follows:

#### § 17.95 Critical habitat—fish and wildlife.

\* \* \* \* \*

(e) \* \* \*

(5) \* \* \*

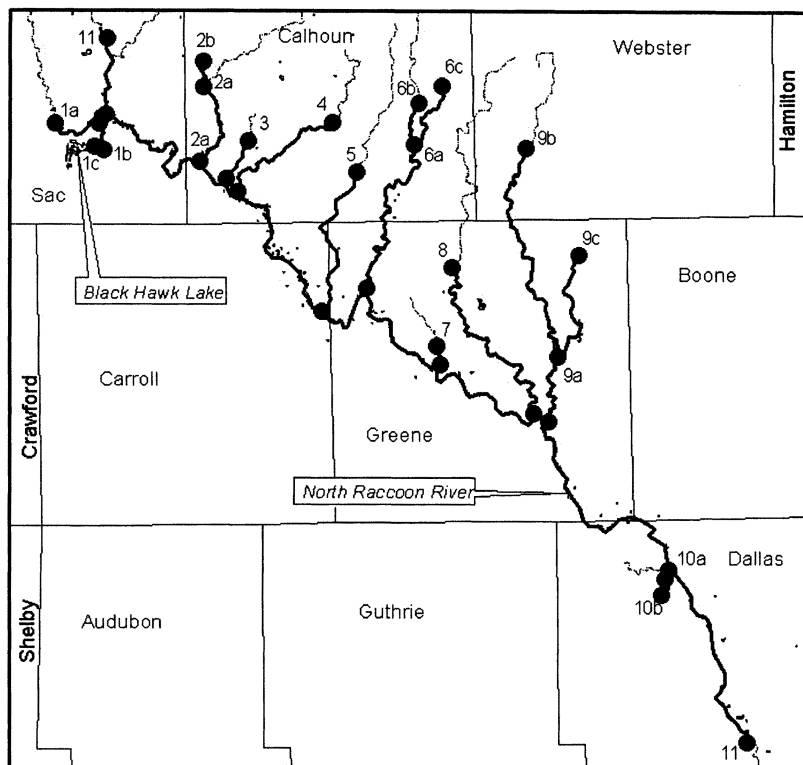
(x) Reach 6b. West Cedar Creek from its confluence with East Cedar Creek (T87N, R31W, Sec. 31), upstream to a point 2,000 feet west of the east section line of T87N, R31W, Sec. 18.

\* \* \* \* \*

■ 4. In § 17.95(e)(6), revise Map 1 to read as follows:

**BILLING CODE 4310–55–P**

# **Map 1: General Locations of Designated Critical Habitat for the Topeka Shiner (*Notropis topeka*) Iowa - North Raccoon River Watershed**



10 0 10 Miles



10 0 10 20 Kilometers



Designated Critical Habitat



Not Designated as Critical Habitat

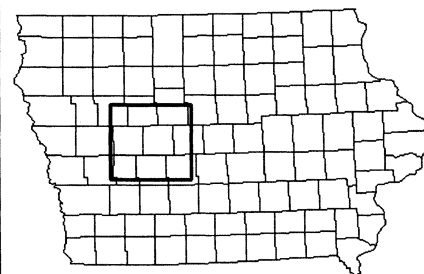


County Lines

## **Reaches**

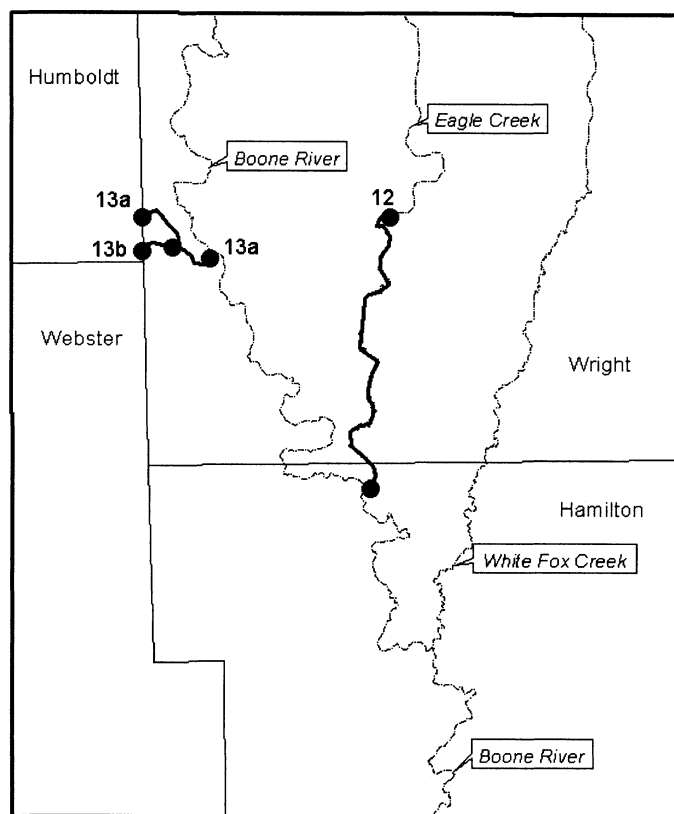
- |                        |                         |
|------------------------|-------------------------|
| 1a. Indian Creek       | 7. Short Creek          |
| 1b. Ditch 57           | 8. Hardin Creek         |
| 1c. Outlet Creek       | 9a. Buttrick Creek      |
| 2a. Camp Creek         | 9b. West Buttrick Creek |
| 2b. West Fork Camp Cr. | 9c. East Buttrick Creek |
| 3. Prairie Creek       | 10a. Elm Branch         |
| 4. Lake Creek          | 10b. Swan Lake Branch   |
| 5. Purgatory Creek     | 11. Off-channel and     |
| 6a. Cedar Creek        | side channel pools      |
| 6b. West Cedar Creek   | adjacent to             |
| 6c. East Cedar Creek   | North Raccoon River     |

## **Area of Detail**



## Map 2: General Locations of Designated Critical Habitat for the Topeka Shiner (*Notropis topeka*)

### Iowa - Boone River Watershed



5 0 5 Miles

5 0 5 10 Kilometers

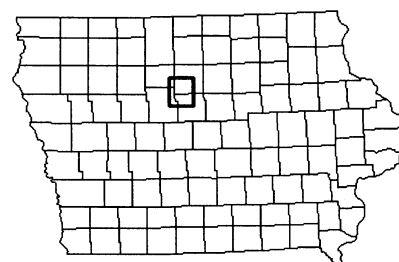
- Designated Critical Habitat
- Not Designated as Critical Habitat
- County Lines

#### Reaches

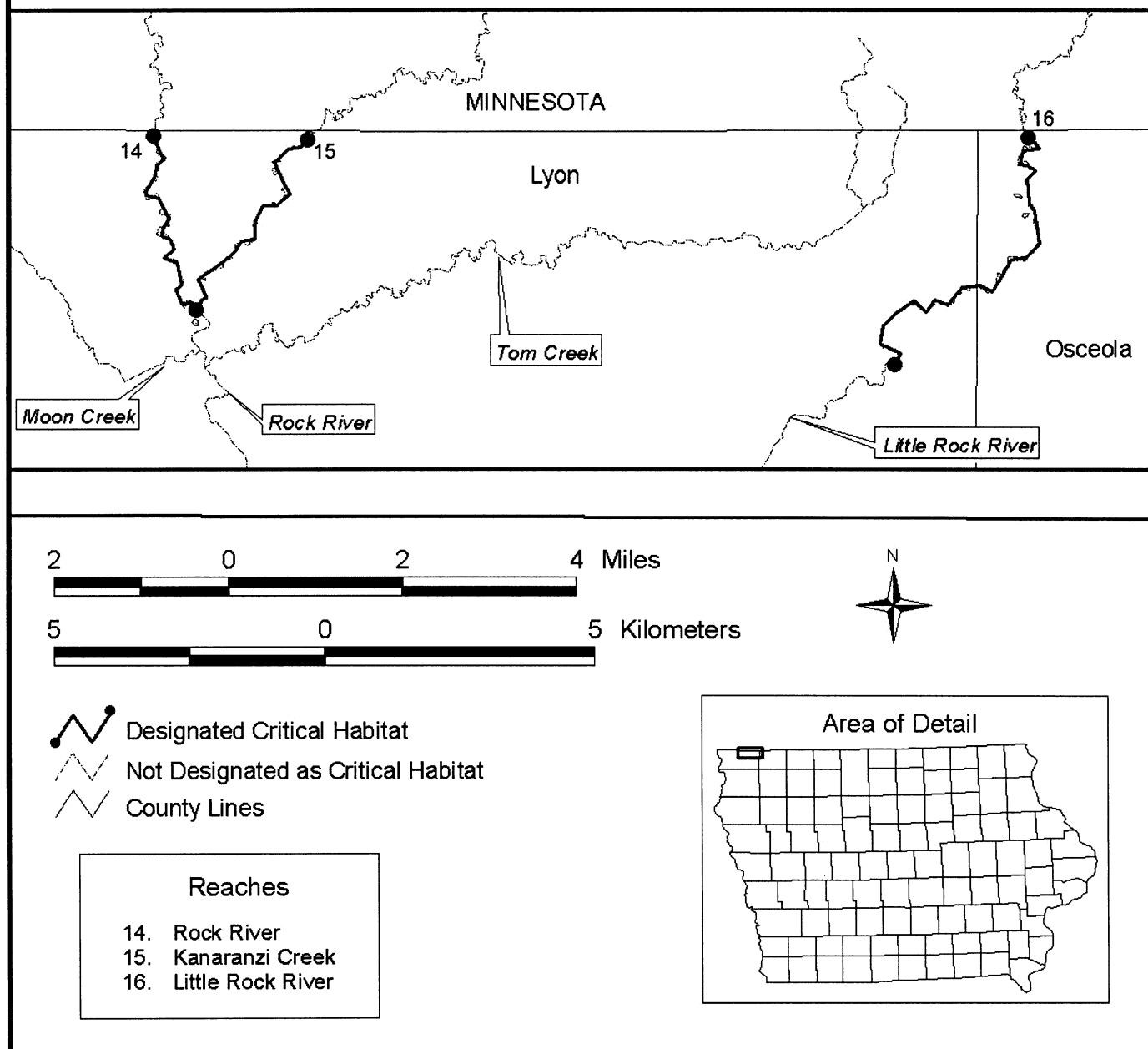
- 12. Eagle Creek
- 13a. Ditch 3
- 13b. Ditch 19



#### Area of Detail



### Map 3: General Locations of Designated Critical Habitat for the Topeka Shiner (*Notropis topeka*) *Iowa - Rock River Watershed*



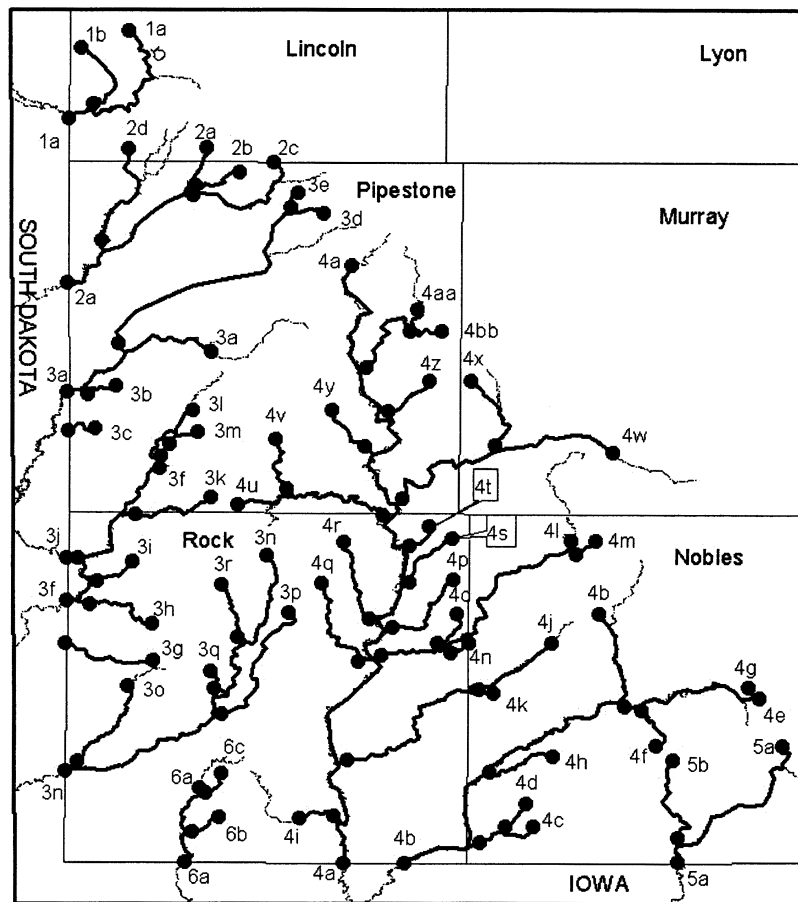
■ 7. In § 17.95(e)(11)(xvi), remove the words “Sec. 22” and “Sec. 23” and add in their place, respectively, “Sec. 23” and “Sec. 22”.

■ 8. In § 17.95(e)(11)(xxi), remove the words “its confluence with Beaver Creek” and add in their place “the Minnesota/South Dakota border”.

■ 9. In § 17.95(e)(11)(xlii), remove the words “Sec. 33” and add in their place “Sec. 13”.

■ 10. In § 17.95(e)(12), revise Map 4 to read as follows:

## Map 4: General Locations of Designated Critical Habitat for the Topeka Shiner (*Notropis topeka*) Minnesota - Big Sioux/Rock Rivers Watershed

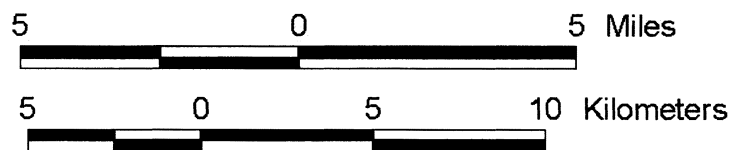
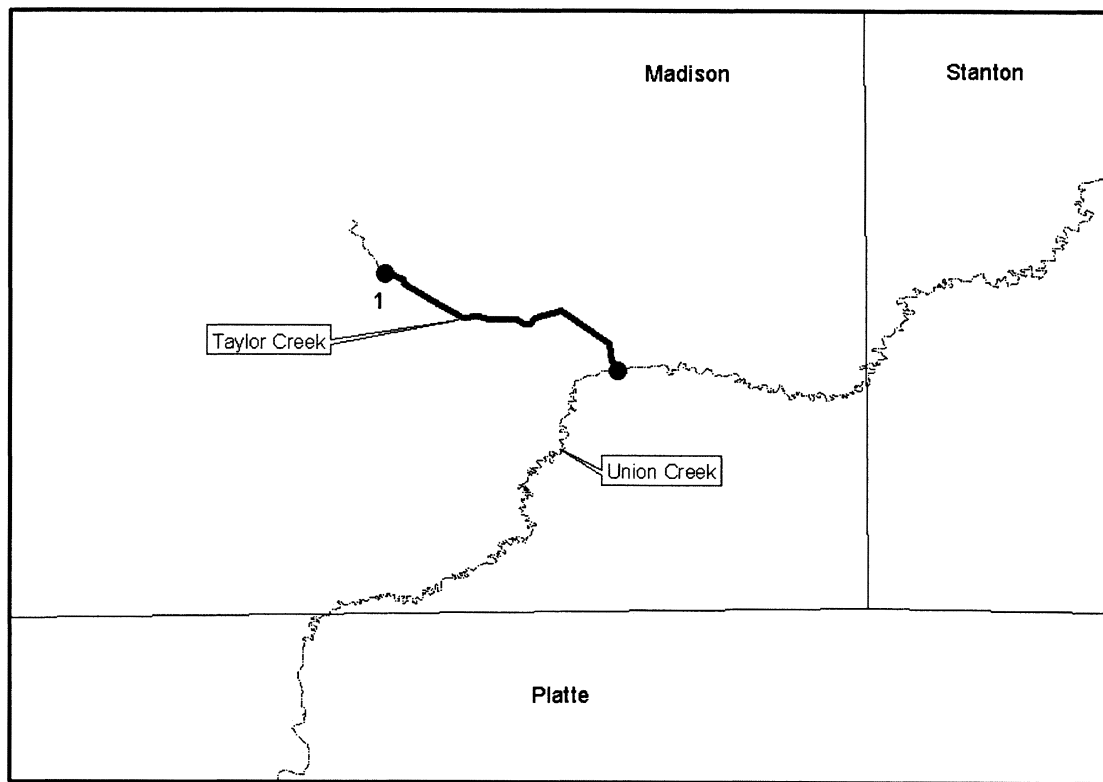





### Reaches

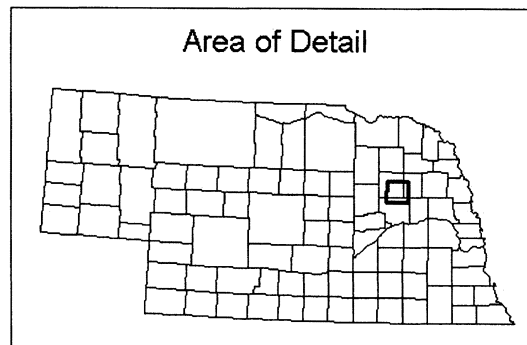
- 1a. Medary Creek
- 1b. Unnamed tributary
- 2a. Flandreau Creek
- 2b. Unnamed tributary
- 2c. East Branch Flandreau Creek
- 2d. Willow Creek
- 3a. Pipestone Creek
- 3b. Unnamed tributary
- 3c. Unnamed tributary
- 3d. North Branch Pipestone Creek
- 3e. Unnamed tributary
- 3f. Split Rock Creek
- 3g. Unnamed tributary
- 3h. Unnamed tributary
- 3i. Unnamed tributary
- 3j. Pipestone Creek
- 3k. Unnamed tributary
- 3l. Split Rock Creek
- 3m. Unnamed tributary
- 3n. Beaver Creek
- 3o. Springwater Creek
- 3p. Little Beaver Creek
- 3q. Unnamed tributary
- 3r. Unnamed tributary
- 4a. Rock River
- 4b. Kanaranzi Creek
- 4c. Norwegian Creek
- 4d. Unnamed tributary
- 4e. East Branch Kanaranzi Creek
- 4f. Unnamed tributary
- 4g. Unnamed tributary
- 4h. Unnamed tributary
- 4i. Ash Creek
- 4j. Elk Creek
- 4k. Unnamed tributary
- 4l. Champepadan Creek
- 4m. Unnamed tributary
- 4n. Unnamed tributary
- 4o. Unnamed tributary
- 4p. Unnamed tributary
- 4q. Mound Creek
- 4r. Unnamed tributary
- 4s. Unnamed tributary
- 4t. Unnamed tributary
- 4u. Poplar Creek
- 4v. Unnamed tributary
- 4w. Chanarambie Creek
- 4x. North Branch Chanarambie Cr.
- 4y. Unnamed tributary
- 4z. Unnamed tributary
- 4aa. East Branch Rock River
- 4bb. Unnamed tributary
- 5a. Little Rock River
- 5b. Little Rock Creek
- 6a. Mud Creek
- 6b. Unnamed tributary
- 6c. Unnamed tributary

## Map 5: General Locations of Designated Critical Habitat for the Topeka Shiner (*Notropis topeka*)

### Nebraska - Elkhorn River Watershed



-  Designated Critical Habitat
-  Not Designated as Critical Habitat
-  County Lines



\* \* \* \* \*

Dated: March 17, 2005.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 05-5954 Filed 3-24-05; 8:45 am]

BILLING CODE 4310-55-C