

human environment, health and safety because it is not expected to:

- (a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
- (b) Introduce incompatible uses that may compromise the nature and characteristics of the area, or cause physical damage to it;
- (c) Conflict with adjacent ownerships or land uses; or
- (d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this proposed rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) has been prepared.

List of Subjects

36 CFR Part 1

National parks, Reporting and recordkeeping requirements.

36 CFR Part 13

Alaska, National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I, Parts 1 and 13, as follows:

PART 1—GENERAL PROVISIONS

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

Authority: 16 U.S.C. 1, 3, 9a, 460 l-6a(e), 462(k); D.C. Code 8-137, 40-721 (1981).

2. Section 1.2 is amended by revising paragraphs (a), (b) and (d) to read as follows:

§ 1.2 Applicability and scope.

- (a) The regulations contained in this chapter apply to all persons entering, using, visiting or otherwise within:
  - (1) The boundaries of federally owned lands and waters administered by the National Park Service; or
  - (2) The boundaries of lands and waters administered by the National Park Service for public use purposes pursuant to the terms of a written instrument; or
  - (3) Waters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable waters and areas within their ordinary reach (up to the mean high water line in places subject to the ebb and flow of the tide and up to the ordinary high water mark in other places) and without regard to the ownership of submerged lands, tidelands or lowlands; or

(4) Lands and waters in the environs of the District of Columbia, policed with the approval or concurrence of the head of the agency having jurisdiction or control over such reservations, pursuant to the provisions of the Act of March 17, 1948 (62 Stat. 81); or

(5) Other lands and waters over which the United States holds a less-than-fee interest, to the extent necessary to fulfill the purpose of the National Park Service administered interest and compatible with the nonfederal interest.

(b) The regulations contained in Parts 1 through 5 and Part 7 and Part 13 of this chapter do not apply on non-federally owned lands and waters or on Indian tribal trust lands located within National Park System boundaries, except as provided in paragraph (a) of this section or in regulations specifically written to be applicable on such lands and waters.

\* \* \* \* \*

(d) The regulations contained in parts 2 through 5 and parts 7 and 13 of this chapter shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved general management and resources management plans, or in emergency operations involving threats to life, property or park resources.

\* \* \* \* \*

3. Section 1.4 is amended in paragraph (a) by revising the definition of *Boundary*, by adding a definition for *National Park System*, and by revising the definition of *Park area* to read as follows:

§ 1.4 Definitions.

(a) \* \* \*

*Boundary* means the limits of lands or waters administered by the National Park Service as specified by Congress, or denoted by Presidential Proclamation, or recorded in the records of a state or political subdivision in accordance with applicable law, or published pursuant to law, or otherwise published or posted by the National Park Service.

\* \* \* \* \*

*National Park System* (Park area) means any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

\* \* \* \* \*

*Park area*. See the definition for *National Park System* in this section.

\* \* \* \* \*

PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

4. The authority citation for part 13 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 462(k), 3101 et seq.; subpart D also issued under 16 U.S.C. 20, 3197; § 13.65(b) also issued under 16 U.S.C. 1361, 1531.

5. Section 13.2 is amended by republishing the first sentence of paragraph (c) and revising the second sentence of paragraph (c), and by revising paragraph (e) to read as follows:

§ 13.2 Applicability and Scope.

\* \* \* \* \*

(c) Subpart B of this part 13 contains regulations applicable to subsistence activities. Such regulations apply on public lands within park areas except Kenai Fjords National Park, Katmai National Park, Glacier Bay National Park, Klondike Gold Rush National Historical Park and parts of Denali National Park. \* \* \*

\* \* \* \* \*

(e) For purposes of this chapter, "federally owned lands" does not include those land interests:

- (1) Tentatively approved to the State of Alaska; or
- (2) Interim conveyed to a Native Corporation.

Dated: October 20, 1995.  
George T. Frampton, Jr.,  
Assistant Secretary for Fish and Wildlife and Parks.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[AD-FRL-5341-1]

Clean Air Act Reclassification; Pennsylvania—Liberty Borough Nonattainment Area; PM-10; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: EPA is reopening the comment period for a proposed rule published on September 19, 1995 (60 FR 48439). In the September 19 notice, EPA proposed to find that the Liberty Borough, Pennsylvania nonattainment area for particulate matter of nominal aerodynamic diameter smaller than 10 micrometers (PM-10) did not attain national ambient air quality standards

for that pollutant by the statutory attainment date. At the request of the Allegheny Health Department, EPA is reopening the comment period through December 20, 1995. (The comment period had been previously extended through November 20, 1995 (60 FR 53729).) All comments received on or before December 20, including those received between the close of the comment period on November 20 and the publication of this document, will be entered into the public record and considered by EPA before taking final action on the proposed rule.

**DATES:** Comments must be received on or before December 20, 1995.

**ADDRESSES:** Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Casey, U.S. EPA Region III, (215) 597-2746.

Dated: December 1, 1995.

William Wisniewski,

*Acting Regional Administrator, Region III.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Part 413

[BPD-788-P]

RIN 0938-AH12

#### Medicare Program; Uniform Electronic Cost Reporting for Skilled Nursing Facilities and Home Health Agencies

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

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would add the requirement that, for cost reporting periods beginning on or after October 1, 1995, all skilled nursing facilities and home health agencies must submit cost reports currently required under the Medicare regulations in a standardized electronic format. This proposed rule would also allow a delay or waiver of this requirement where implementation would result in financial hardship for a provider. The proposed provisions would allow for more accurate preparation and more efficient processing of cost reports.

**DATES:** Comments will be considered if we receive them at the appropriate

address, as provided below, no later than 5 p.m. on February 5, 1996.

**ADDRESSES:** Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BPD-788-P, P.O. Box 7517, Baltimore, MD 21207-0517.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, or Room C5-11-17, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code BPD-788-P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue, SW, Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690-7890).

For comments that relate to information collection requirements, mail a copy of comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Herron Eydt, HCFA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Tom Talbott, (410) 786-4592.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Generally, under the Medicare program, skilled nursing facilities (SNFs) and home health agencies (HHAs) are paid for the reasonable costs of the covered items and services they furnish to Medicare beneficiaries. Sections 1815(a) and 1833(e) of the Social Security Act (the Act) provide that no payments will be made to a provider unless it has furnished the information, requested by the Secretary, needed to determine the amount of payments due the provider. In general, providers submit this information through cost reports that cover a 12-month period. Rules governing the submission of cost reports are set forth at 42 CFR 413.20 and 42 CFR 413.24.

Under § 413.20(a), all providers participating in the Medicare program are required to maintain sufficient

financial records and statistical data for proper determination of costs payable under the program. In addition, providers must use standardized definitions and follow accounting, statistical, and reporting practices that are widely accepted in the health care industry and related fields. Under §§ 413.20(b) and 413.24(f), providers are required to submit cost reports annually, with the reporting period based on the provider's accounting year. Additionally, under § 412.52, all hospitals participating in the prospective payment system must meet cost reporting requirements set forth at §§ 413.20 and 413.24.

Section 1886(f)(1)(B)(I) of the Act required the Secretary to place into effect a standardized electronic cost reporting system for all hospitals participating in the Medicare program. This provision was effective for hospital cost reporting periods beginning on or after October 1, 1989. On May 25, 1994, we published a final rule with comment period implementing the electronic cost reporting requirement for hospitals (59 FR 26960). On June 27, 1995, we published a final rule that responded to comments on the May 25, 1994 final rule with comment period (60 FR 33123).

##### II. Provisions of the Proposed Regulations

Currently, § 413.24(f)(4) provides that for cost reporting periods beginning on or after October 1, 1989, all hospitals must submit cost reports in a standardized electronic format. While the existing regulations do not require any other provider types to file their cost reports electronically, more than 75 percent of SNFs and HHAs currently submit a hard copy of an electronically prepared cost report rather than a manually prepared cost report. HCFA's fiscal intermediaries then review the information from these cost reports for completeness and manually enter the data into their automated data reporting systems. This process takes substantially longer than processing cost reports submitted in a standardized electronic format that allows data to be automatically entered into the intermediary's system.

This proposed rule would revise existing § 413.24(f)(4) to require SNFs and HHAs to submit cost reports in a standardized electronic format for cost reporting periods beginning on or after October 1, 1995. We note that the electronic cost reports would not be due until 5 months after the end of the provider's cost reporting period. Thus, for a provider with a 12-month cost reporting period beginning October 1,