

Title III of the Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99-499]), requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Such facilities also must report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (PPA), 42 U.S.C. 13106. EPCRA section 313 and PPA section 6607 require that covered facilities report this information on or before July 1 of each year for activities at those facilities during the previous calendar year. EPA is required to put the EPCRA section 313/PPA section 6607 information in an electronic data base that is accessible to the public. This data base is commonly referred to as the Toxics Release Inventory (TRI). State and local governments, industry, non-government organizations, and the public make extensive use of this data base.

Until 1995, TRI reporting was required for 368 chemicals and chemical categories. On November 30, 1994, EPA promulgated final rules that added 286 chemicals and chemical categories of chemicals to the list of toxic chemicals for which reporting is required under EPCRA section 313 and PPA section 6607 (59 FR 61432), and provided an alternate threshold for certain reporting (59 FR 61488). The addition of these chemicals and categories of chemicals in 1994 almost doubled the number of toxic chemicals subject to TRI reporting for calendar 1995. In addition, EPA believes that many facilities will be reporting for the first time. Calendar year 1995 is the first year for which covered facilities are required to submit information on releases under EPCRA section 313 and pollution prevention and recycling data under PPA section 6607 for the newly added chemicals and categories. It is also the first year in which facilities can make use of the alternate reporting threshold. Under EPCRA section 313 and PPA section 6607, these reports are due by July 1, 1996.

Each year, prior to the reporting deadline, EPA develops and sends to facilities a reporting package containing the current TRI reporting form (Form R), the list of toxic chemicals subject to reporting, and instructions for reporting. In recent years, the package has also included a computer diskette containing an automated Form R for electronic reporting. This year's package will also contain a special form for alternate threshold reporting. EPA has found that providing this extensive reporting package reduces confusion and the

number of reporting errors, and expedites the whole reporting process. In the past, these packages have been distributed by early March of the year in which reports are due to allow adequate time for review and use by the reporting facilities.

## II. Additional Time to Report for 1995

Because Congress and the President, to date, have not approved an appropriations bill for EPA for fiscal year 1996, EPA has been operating since October 1, 1995, under a series of continuing resolutions. On two separate occasions these continuing resolutions have lapsed, resulting in shutdowns of operations at EPA. These shutdowns have totaled 17 working days. Further, in January 1996, EPA's Washington, D.C. area offices were closed for 4 days due to severe inclement weather conditions. During the shutdowns due to lack of appropriations, EPA was not authorized to work on preparing the 1996 TRI reporting package. Since this work is performed in EPA Headquarters in Washington, D.C., EPA was also unable to work on it during the 4 days of closure due to the inclement weather.

Because these shutdowns have resulted in delays in finalizing and distributing the TRI reporting package, including the 1995 Form R and accompanying guidance, beyond EPA's intended distribution date, facilities subject to TRI reporting may not have sufficient time to prepare and submit their reports by July 1, 1996. EPA is concerned that in rushing to report by July 1, facilities may make errors that would reduce the accuracy and utility of the reports and, ultimately, the public data base. This is particularly relevant for first-time reporters. In addition, EPA believes that the delay in the distribution of the reporting package may create concern in the regulated community regarding potential enforcement actions, including civil penalties, for those facilities submitting reports that may contain errors as a result of the late distribution of the EPA reporting package or reporting after the July 1, 1996 deadline.

In recognition of the importance to State and local governments, industry, and the public that facilities submit complete and accurate TRI reports, EPA is allowing all reporting facilities an additional month to August 1, 1996, to submit their 1995 TRI reports. However, reports for the 1995 reporting year that are filed after August 1, 1996, will be subject to EPA enforcement action, where appropriate.

This allowance of additional time for reporting applies only to the EPCRA section 313/PPA section 6607 reporting

obligations for TRI reports otherwise due on July 1, 1996, covering calendar year 1995. Nothing in this notice shall be construed to apply to any other EPCRA reporting obligations, or to any TRI reports due for past or future reporting years. Further, this allowance of additional time for reporting applies only to the federal EPCRA section 313/PPA section 6607 reporting obligation; it does not apply to independent obligations under State laws which also require TRI-type reports. However, EPA encourages the States with similar requirements that relate to federal TRI reporting to embrace this allowance of additional time.

To the extent that this action might be construed as rulemaking subject to section 553 of the Administrative Procedure Act, for the reasons stated above, EPA has determined that notice and an opportunity for public comment are impracticable and unnecessary. Providing for public comment might further delay reporting, and, because there is no substantive change in the reporting obligation, other than allowing an additional month, the public will continue to receive the same information, though slightly delayed. Also, public comment would not further inform EPA's decision because the events giving rise to the need to provide extra time for reporting have already occurred. In addition, additional notice and comment procedures in this situation would be contrary to the public interest in timely and accurate reporting of data under EPCRA section 313 and PPA section 6607.

## List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: January 22, 1996.

Lynn R. Goldman,

*Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

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## GENERAL SERVICES ADMINISTRATION

### 41 CFR Parts 201-20 and 201-24

[FIRMR Interim Rule 2, Supplement 1]

RIN 3090-AE 71

### Amendment of FIRMR Provisions To Modify Requirements for Obtaining Delegations of Procurement Authority

AGENCY: Information Technology Service, GSA.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This change to the Federal Information Resources Management Regulation (FIRMR) revises policies regarding delegations of procurement authority from GSA for the acquisition of Federal information processing (FIP) resources. In a FIRMR rule change issued October 24, 1994, GSA established three tiers of regulatory thresholds for information technology resources: \$20 million, \$10 million, and \$5 million based on the size of an agency's information technology budget and its management record. In letters to all Federal agencies dated June 19, 1995, GSA granted specific agency delegations of procurement authority of \$100 million to each agency. This rule change codifies that higher delegation authority by establishing \$100 million as the regulatory threshold for agency acquisitions of FIP resources. This change is made in continuation of a long term GSA trend to place greater authority in the hands of the operating agencies. The higher threshold will allow agencies to assume greater responsibility for their acquisitions while allowing GSA to focus on larger, more complex acquisitions. In addition to increasing the dollar amount of regulatory delegations thresholds, this interim rule strongly encourages agency Designated Senior Officials (DSO's) to redelegate a minimum of 25 percent of GSA's exclusive procurement authority for FIP resources to qualified officials at other levels, and changes the approving authority for exceptions to the use of GSA's consolidated local telecommunications service.

**DATES:** This amendment is effective immediately upon publication. Comments will be considered in the final rule, but must be received on or before February 28, 1996.

**FOR FURTHER INFORMATION CONTACT:** Doris Farmer, GSA/MKR, FTS/Commercial (202) 501-0960 (v), Internet (doris.farmer@gsa.gov), or (202) 501-0657 (tdd).

**SUPPLEMENTARY INFORMATION:** (1) This interim rule enables GSA to focus on high dollar, high risk agency information technology acquisitions. It provides more authority to agencies, while continuing to require increased measures of accountability and outcomes. The increased authority allows agencies to further streamline their internal acquisition management and review functions. It also promotes improvements in early agency planning and analysis of business processes that may be improved through the use of

information technology. (2) An explanation of the changes being made follows:

(a) Subsection 201-20.305(a) is amended to encourage DSO's to redelegate a minimum of 25 percent of the monetary value of GSA's delegated procurement authority to other qualified agency officials at lower organizational levels where sufficient expertise exists. Such redelegations will further expedite FIP acquisitions and provide for a more efficient process. DSO's who elect not to redelegate at least 25 percent, or who withdraw earlier delegations, must advise GSA in writing of the circumstances that will not allow redelegation and the management action being taken to allow such redelegation in the future. This change greatly increases the authority granted agencies in Interim Rule 2, which stated that agencies could only redelegate a *maximum* of 50 percent of their delegated authority.

(b) Subsection 201-20.305-1 is amended to establish a new regulatory delegation of procurement authority of \$100 million for acquiring FIP resources without prior approval from GSA. This dollar threshold also applies to specific make and model requirements and requirements available from only one source.

(c) Subsection 201-24.102(c)(2) is amended to inform agencies to submit requests for exceptions to the use of consolidated local telecommunications service directly to the Federal Telecommunications Service (TT) for review.

(3) This rule was submitted to, and approved by, the Office of Management and Budget in accordance with Executive Order 12866, Regulatory Planning and Review.

(4) The recordkeeping provisions of the Paperwork Reduction Act do not apply because the FIRMR changes do not impose information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 41 CFR Parts 201-20 and 201-24

Archives and records, Computer technology, Federal information processing resources activities, Government procurement, Property management, Records management, and Telecommunications.

For the reasons set forth in the preamble, GSA is amending 41 CFR Parts 201-20 and 201-24 as follows:

**PART 201-20—ACQUISITION**

1. The authority citation for part 201-20 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

2. Section 201-20.305 is amended by revising paragraphs (a)(3) and (a)(5) as follows:

**§ 201-20.305 Delegation of GSA's exclusive procurement authority.**

\* \* \* \* \*

(3) The agency's DSO should redelegate, at a minimum, 25 percent of the monetary value of GSA's delegated exclusive authorities for FIP resources to qualified officials possessing the expertise to conduct and manage FIP acquisitions.

\* \* \* \* \*

(5) DSO's who elect not to redelegate at least 25 percent of the monetary value of the delegated authority, or who withdraw a delegation, shall advise GSA/MKA, 18th and F Streets, NW., Washington, DC 20405, in writing, of the circumstances involving such redelegations and their plan regarding redelegations within the agency.

\* \* \* \* \*

3. Section 201-20.305-1 is amended by revising paragraphs (a)(1) introductory text and (a)(3) introductory text, as follows:

**§ 201-20.305-1 Regulatory delegations.**

(a) \* \* \*

(1) FIP equipment, software, services, and support services when the total estimated dollar value of all of the FIP resources to be acquired under the contract, including all optional items and all option periods, does not exceed \$100 million, and if either paragraph (a)(1) (i), (ii) or (iii) of this section applies:

\* \* \* \* \*

(3) Use or acquisition of FIP resources from the following GSA contracting programs do not require delegations of procurement authority from GSA:

\* \* \* \* \*

**PART 201-24—GSA SERVICES AND ASSISTANCE**

1. The authority citation for part 201-24 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

2. Section 201-24.102 is amended by revising paragraph (c)(2) as follows:

**§ 201-24.102 Consolidated local telecommunications service.**

\* \* \* \* \*

(c) \* \* \*

(2) Agencies shall submit requests for exceptions to the use of consolidated

local telecommunications services to:  
GSA, Federal Telecommunications  
Service (TT), 1730 M Street, NW., Suite  
200, Washington, DC 20036.

\* \* \* \* \*  
Dated: October 11, 1995.

Roger W. Johnson,  
Administrator of General Services.

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**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**Health Care Financing Administration**

**42 CFR Parts 412 and 413**

[BPD-825-FCN]

RIN 0938-AG95

**Medicare Program; Changes to the  
Hospital Inpatient Prospective  
Payment Systems and Fiscal Year 1996  
Rates; Corrections**

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

**ACTION:** Correction to final rule.

**SUMMARY:** In the September 1, 1995,  
issue of the Federal Register (60 FR  
45778), we published a final rule with  
comment period revising the Medicare  
hospital inpatient prospective payment  
systems for operating costs and capital-  
related costs to implement necessary  
changes arising from our continuing  
experience with the system. In the  
addendum to that final rule with  
comment period, we announced the  
prospective payment rates for Medicare  
hospital inpatient services for operating

costs and capital-related costs  
applicable to discharges occurring on or  
after October 1, 1995, and set forth  
update factors for the rate-of-increase  
limits for hospitals and hospital units  
excluded from the prospective payment  
systems. This document corrects errors  
made in that document.

**EFFECTIVE DATE:** October 1, 1995.

**FOR FURTHER INFORMATION CONTACT:**  
Stephen Phillips (410) 786-4548.

**SUPPLEMENTARY INFORMATION:** In the  
September 1, 1995, final rule with  
comment period (60 FR 45778), we  
indicated that if a hospital believes its  
wage index value is incorrect as a result  
of an intermediary or HCFA error that  
the hospital could not have known  
about before reviewing data made  
available in mid-August, the hospital  
must notify the intermediary and HCFA  
in writing, to be received no later than  
September 21, 1995 (see 60 FR 45794).  
As a result of this process, we have  
identified several corrections to the  
wage data. Accordingly, the wage index  
values for several areas have changed  
and are corrected in this notice.

The final rule with comment period  
also contained other technical and  
typographical errors. In particular, we  
inadvertently failed to correct a  
technical error in § 412.105(d), which  
now indicates that the current method  
for determining the education  
adjustment factor for hospitals that  
incur indirect costs for graduate medical  
education (IME) programs is effective  
only for discharges occurring before  
October 1, 1995. Since section  
4002(b)(3) of the Omnibus Budget  
Reconciliation Act of 1990 amended  
section 1886(d)(5)(B)(ii) of the Social

Security Act to eliminate the  
requirement that the current method for  
calculating the IME adjustment was to  
expire as of October 1, 1995, we needed  
to delete the incorrect reference to the  
October 1, 1995, expiration date in our  
September 1, 1995, final rule with  
comment period.

Therefore, we are making the  
following corrections to the September  
1, 1995, final rule with comment period:

**§ 412.105 [Corrected]**

1. On page 45848, column one, item  
10, the phrase "paragraph (b) is revised  
to read as follows:" is corrected to read  
"paragraphs (b) and (d) are revised to  
read as follows:"

2. On page 45848, column one, item  
10, insert corrected paragraph (d),  
which reads as follows:

\* \* \* \* \*

(d) *Determination of education  
adjustment factor.* For discharges  
occurring on or after October 1, 1988,  
each hospital's education adjustment  
factor is calculated as follows:

\* \* \* \* \*

**§ 413.40 [Corrected]**

3. On page 45850, column one,  
§ 413.40(g)(1), in the third line the  
phrase "under paragraph (e) of this  
section" is corrected to read "under  
paragraph (g) of this section".

4. On pages 45867 through 45882, in  
Table 3C—Hospital Case Mix Indexes  
for Discharges Occurring in Federal  
Fiscal Year 1994, Hospital Average  
Hourly Wage for Federal Fiscal Year  
1996 Wage Index, the average hourly  
wage is corrected as follows:

Provider	Case mix index	Avg. hourly wage	Corrected avg. hourly wage
090004	01.6239	22.47	22.45
090005	01.2725	25.88	25.02
090008	01.5653	19.96	23.02
210003	01.5173	26.44	26.40
210005	01.1988	18.75	18.50
210008	01.3734	19.80	19.78
210026	01.3603	22.97	22.82
210060	01.0967	21.07	21.23
230002	01.2674	18.51	18.81
330023	01.1830	21.41	21.64
340039	01.2728	17.98	18.05
340064	01.2236	15.48	17.13
340098	01.6534	17.84	17.68
340166	01.3806	18.12	18.14
390174	01.7096	23.29	23.19
390226	01.7113	22.03	21.84
450025	01.4725	15.12	15.36
450029	01.4012	11.81	12.01
450121	01.5746	18.89	19.39
450196	01.4781	13.63	14.62