

utilize, and disseminate investigative, intelligence, and law enforcement data.

The Regulatory Flexibility Act (RFA) requires Federal agencies either to certify that a proposed rule would not, if adopted in final form, have a significant impact on a substantial number of small entities or to prepare an initial regulatory flexibility analysis of the proposal and publish the analysis for comment (5 U.S.C. 603, 605). This regulation will exempt five systems of records from the Privacy Act. Because this regulation affects only internal agency administration, these exemptions are not expected to generate any costs for banks of any size. Therefore, the OCC and the Department certify that the proposed rule, if adopted in final form, will not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the OCC and the Department have determined that this proposed rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4 (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The OCC and the Department have determined that the proposed rule will not result in expenditures by State, local, or tribal governments or by the private sector of \$100 million or more. Accordingly, the OCC and Department have not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

The OCC and the Department have determined that this proposed rule, if adopted as a final rule, would not constitute a "significant regulatory action" under Executive Order 12866 and, therefore, does not require a Regulatory Impact Analysis.

**List of Subjects in 31 CFR Part 1**

Privacy.

Part 1, Subpart C of Title 31 of the Code of Federal Regulations is amended as follows:

**PART 1—[AMENDED]**

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

**Authority:** 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552 as amended. Subpart C also issued under 5 U.S.C. 552a.

2. Section 1.36 of Subpart C is amended as follows:

a. Paragraph (c)(1)(iii) is amended by adding "CC .120 Bank Fraud Information System" and "CC .510 Litigation Information System" to the table in numerical order.

b. Paragraph (g)(1)(iii) is amended by adding "CC .100 Enforcement Action Report System," "CC .120 Bank Fraud Information System," "CC .220 Section 914 Tracking System," "CC .510 Litigation Information System," and "CC .600 Consumer Complaint and Inquiry Information System" to the table in numerical order.

The additions to § 1.36 read as follows:

**§ 1.36 Systems exempt in whole or in part from provisions of 5 U. S. C. 552a and this part.**

Number	System name
(c) * * *	
(1) * * *	
(iii) * * *	
* * * * *	
CC .120 .....	Bank Fraud Information System.
CC .510 .....	Litigation Information System.
* * * * *	
(g) * * *	
(1) * * *	
(iii) * * *	
* * * * *	
CC .100 .....	Enforcement Action Report System.
CC .120 .....	Bank Fraud Information System.
CC .220 .....	Section 914 Tracking System.
CC .510 .....	Litigation Information System.
CC .600 .....	Consumer Complaint and Inquiry Information System.
* * * * *	

Dated: September 10, 2001.

**W. Earl Wright, Jr.,**

*Chief Management and Administrative Programs Officer.*

[FR Doc. 01-27003 Filed 10-25-01; 8:45 am]

**BILLING CODE 4810-33-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 3, 51, 60, 63, 70, 123, 142, 145, 162, 233, 257, 258, 271, 281, 403, 501, 745, and 763**

[FRL-7090-9]

RIN 2025-AA07

**Public Hearings on the Proposed Establishment of Electronic Reporting; Electronic Records Rule**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; public hearings.

**SUMMARY:** This document announces dates and locations for two public hearings EPA is holding to take comments on the Agency's proposed rule for establishment of electronic reporting and electronic records, published on August 31, 2001. These public hearings are being held during the ninety-day public comment period for the proposed rule, which ends on November 29, 2001. The meeting will be structured by topics as follows: 9:30-10:00 a.m.—Welcome and Introduction; 10:00-11:00 a.m.—General Requirements for Electronic Reporting/Electronic Signature; 11:00 a.m.-12:30 p.m.—EPA's Electronic Reporting System: "The Central Data Exchange"; 1:30-4:00 p.m.—Electronic Recordkeeping Requirements; and 4:00-5:30 p.m.—Criteria for State Electronic Reporting and Recordkeeping Programs.

**DATES:** The hearings will be held on:

1. Monday, October 29, 2001, 9:30 a.m. to 5:30 p.m. (EST);
2. Friday, November 9, 2001, 9:30 a.m. to 5:30 p.m. (CST).

**ADDRESSES:** The hearings will be held at:

1. The U.S. EPA Auditorium at 401 M Street, SW., Washington, DC;
2. The Ralph H. Metcalfe Federal Building, 3rd Floor, 77 West Jackson Blvd., Chicago, IL.

**FOR FURTHER INFORMATION CONTACT:**

David Schwarz (2823), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 260-2710, [schwarz.david@epa.gov](mailto:schwarz.david@epa.gov), or Evi Huffer (2823), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC, 20460, (202) 260-8791, [huffer.evi@epa.gov](mailto:huffer.evi@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA published its proposed rule for Establishment of Electronic Reporting; Electronic Records in the **Federal Register** on August 31, 2001 (66 FR

46162-46195). EPA proposes to allow electronic reporting and electronic recordkeeping under the environmental regulations in Title 40 of the Code of Federal Regulations. It proposes to remove regulatory obstacles to electronic reporting and recordkeeping and sets forth the conditions for the submission of electronic documents or maintenance of electronic records in lieu of paper documents or records. EPA is proposing the rule, in part, under the authority of the Government Paperwork Elimination Act (GPEA) of 1998, Public Law 105-277.

The proposed rule is available electronically on the Internet at <http://www.epa.gov/fedrgstr/EPA-GENERAL/2001/August/Day-31/g21810.htm>. The proposed rule and supporting materials are also available for viewing in the Enforcement and Compliance Docket and Information Center, located at 1200 Pennsylvania Avenue, NW., (Ariel Rios Building), 2nd Floor, Room 2213, Washington, DC 20460. The documents are available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (202) 564-2614 or (202) 564-2119.

Dated: October 18, 2001.

**Janette Petersen,**

*Acting Director, Collection Services Division,  
Office of Information Collection, Office of  
Environmental Information.*

[FR Doc. 01-27059 Filed 10-23-01; 4:21 pm]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**42 CFR Parts 403, 416, 418, 460, 482, and 483**

**[CMS-3047-P]**

**RIN 0938-AK35**

### Medicare and Medicaid Programs; Fire Safety Requirements for Certain Healthcare Facilities

**AGENCY:** Centers for Medicare & Medicaid Services, (CMS), HHS.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule replaces the proposed rule of August 1, 1990, on the same subject, which we are withdrawing. This proposed rule would amend the fire safety standards for hospitals, long-term care facilities, intermediate care facilities for the

mentally retarded (ICFs/MR), ambulatory surgery centers (ASCs), hospices which provide in-patient services, religious non-medical health care institutions, and Programs of All-Inclusive Care for the Elderly (PACE) facilities. Further, this proposed rule would adopt the 2000 edition of the Life Safety Code (LSC) and eliminate references in our regulations to all earlier editions.

**DATES:** In order to ensure that comments will be considered, all comments should be mailed to the appropriate address as provided below, postmarked by December 26, 2001.

**ADDRESSES:** Mail written comments (one original and three copies) to the following address: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-3047-P, P.O. Box 8018, Baltimore, MD 21244-8010.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses: Hubert H. Humphrey Building, Room 443-G, 200 Independence Avenue, SW, Washington, D.C. 20201, or Room C5-14-03, 7500 Security Boulevard, Baltimore, Maryland 21244.

Because of staffing and resource limitation, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code CMS-3047-P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, contact Ms. Freddie Wilder at (410) 786-7195 or (410) 786-0082.

**FOR FURTHER INFORMATION CONTACT:**

Mayer Zimmerman, 410-786-6839, Jim Merrill, 410-786-6998, or Tamara Syrek, 410-786-3529.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*A. The Proposed Rule of August 1, 1990 (55 FR 31196)*

On August 1, 1990, we published a proposed rule that would have applied to hospitals, long term care (LTC) facilities, and intermediate care facilities for the mentally retarded (ICFs/MR). It would have eliminated the use of the 1967 and 1973 editions of the Life Safety Code (LSC), which is

updated and published periodically by the National Fire Protection Association (NFPA), a private, non-profit organization created in 1896, dedicated to reducing loss of life and property due to fire. That rule would have required all Medicare and Medicaid participating providers and suppliers subject to the LSC to meet either the 1981 or 1985 edition of the LSC, depending on the date the provider first entered the program. The August 1, 1990 proposed rule did not include references to ambulatory surgery centers (ASCs) or hospices because they were already required to meet either the 1981 or 1985 edition of the LSC. Additionally, no reference was made to Programs of the All-Inclusive Care for the Elderly (PACE) facilities and Religious Non-Medical Health Care Institutions (RNHCIs) because these provider and supplier types did not exist when the August 1, 1990 proposed rule was published. However, in this proposed rule we are proposing PACE and RNHCIs comply with the requirements of the 2000 LSC along with other providers.

We proposed deletion of the 1967 and 1973 editions of the LSC because they relied heavily on "compartmentation," a construction technique that divides buildings into separate compartments or rooms so as to limit the spread of fire and smoke. Moreover, earlier editions of the LSC did not encourage the use of sprinklers. However, subsequent editions of the LSC have encouraged sprinklers and, as a trade-off, less costly construction material may be used if sprinklers are installed. The authors of the newer editions of the LSC no longer believe compartmentation is effective and rely on early detection and extinguishment. Further, every year fewer facilities rely on the concept of compartmentation, and as older, less efficient buildings are upgraded or replaced and newer editions of the LSC are applied, which use early fire detection and extinguishment rather than compartmentation.

In the past, our authority to grant waivers was critical to our ability to continuously improve fire safety in the Medicare and Medicaid programs and not impose an undue burden on providers. The Secretary has broad authority to grant waivers to hospitals under Section 1861(e)(9) of the Social Security Act (the Act), and to LTC facilities at sections 1819(d)(2)(B) and 1919(d)(2)(B) of the Act. Currently, the Secretary allows for a waiver to be granted on a case-by-case basis if specific provisions of the LSC would result in unreasonable hardship on the provider, and if the safety of patients