

allowable inpatient cost for routine services (excluding the cost of services provided in intensive care units, coronary care units, and other intensive care type inpatient hospital units and nursery costs); and

(ii) Dividing the remainder (excluding the total private room cost differential) by the total number of inpatient hospital days of care (excluding Medicare SNF-type days and non-Medicare NF-type days of care; days of care in intensive care units, coronary care units, and other intensive care type inpatient hospital units; and newborn days; but including total private room days).

* * * * *

Nursing facility (NF)-type services, formerly known as ICF and SNF-type services, are routine services furnished by a swing-bed hospital to Medicaid and other non-Medicare patients. Under the Medicaid program, effective October 1, 1990, facilities are no longer certified as SNFs or ICFs but instead are certified only as NFs and can provide services as defined in section 1919(a)(1) of the Act.

* * * * *

Skilled nursing facility (SNF)-type services are routine services furnished by a swing-bed hospital that would constitute extended care services if furnished by an SNF. SNF-type services include routine SNF services furnished in the distinct part SNF of a hospital complex that is combined with the hospital general routine service area cost center under § 413.24(d)(5). Effective October 1, 1990, only Medicare covered services are included in the definition of SNF-type services.

* * * * *

Subpart F—Specific Categories of Costs

3. In § 413.114, paragraphs (c)(1) and (2) are removed, paragraph (c)(3) is redesignated as paragraph (c)(2), and a new paragraph (c)(1) is added to read as follows:

§ 413.114 Payment for posthospital SNF care furnished by a swing-bed hospital.

* * * * *

(c) *Principle.* * * *

(1) The reasonable cost of routine SNF services is based on the average Medicare rate per patient day for routine services provided in freestanding SNFs in the region where the swing-bed hospital is located. The rates are calculated using the regions as defined in section 1886(d)(2)(D) of the Social Security Act. The rates are based on the most recent year for which settled cost reporting period data are available, increased in a compounded manner, using the increase applicable to the SNF

routine cost limits, up to and including the calendar year for which the rates are in effect. If the current Medicare swing-bed rate for routine extended care services furnished by a swing-bed hospital during a calendar year is less than the rate for the prior calendar year, payment is made based on the prior calendar year's rate.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance;) Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Note: This document received at the Office of the Federal Register on April 11, 1996.

Dated: September 29, 1995.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 96-9347 Filed 4-19-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1313

[STB Ex Parte No. 541]

Railroad Contracts

AGENCY: Surface Transportation Board.

ACTION: Advance notice of proposed rulemaking; extension of comment due date.

SUMMARY: The original comment due date in this proceeding of April 25, 1996, is extended to May 28, 1996, at the request of the National Grain and Feed Association (NGFA), the Association of American Railroads (AAR), and the National Industrial Transportation League (NITL). This proceeding solicited suggestions from the transportation community for appropriate regulations to implement the new rail contract provisions.

DATES: Comments are due on May 28, 1996.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 541 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: On March 26, 1996, an advance notice of proposed rulemaking (ANPR) was served and published in the Federal Register, at 61 FR 13147-13148, soliciting suggestions from the transportation community for

appropriate regulations to implement the new rail contract provisions of 49 U.S.C. 10709. On April 15, 1996, a joint request was filed by NGFA, AAR, and NITL, requesting an extension of the comment due date until May 28, 1996, to give shipper and carrier organizations the opportunity to reach negotiated agreements regarding issues relevant to the proceeding.

In the ANPR, the various sectors of the transportation community were encouraged to discuss the issues and present a proposal for consideration. The jointly filed extension request is in keeping with that encouragement. Accordingly, the due date for comments will be extended to May 28, 1996.

Decided: April 16, 1996.

By the Board, Linda J. Morgan, Chairman.
Vernon A. Williams,
Secretary.

[FR Doc. 96-9790 Filed 4-19-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 960412110-6110-01; I.D. 030596E]

RIN 0648-A193

Summer Flounder Fishery; Proposed 1996 Recreational Fishery Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to amend the regulations implementing the Fishery Management Plan for the Summer Flounder Fishery (FMP). This rule proposes a possession limit of eight fish per person and a minimum fish size of 14 inches (35.6 cm) for the 1996 summer flounder recreational fishery. The intent of this action is to comply with implementing regulations for the fishery that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of the resource.

DATES: Public comments on this proposed rule must be received on or before May 17, 1996.

ADDRESSES: Comments should be sent to: Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930.

Copies of the environmental assessment prepared for the 1996 summer flounder specifications and supporting documents used by the Summer Flounder Monitoring Committee (Committee) are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, (508)281-9221.

SUPPLEMENTARY INFORMATION: The FMP was developed jointly by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for the FMP is summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the Canadian border. Implementing regulations for the fishery are found at 50 CFR part 625.

Section 625.20 outlines the process for determining annual commercial and recreational catch quotas and other restrictions for the summer flounder fishery. The Committee, made up of representatives from the ASMFC, the Council, the New England Fishery Management Council, and NMFS is required to review, on an annual basis, scientific and other relevant information and to recommend a quota and other restrictions necessary to achieve a fishing mortality rate of 0.53 in 1993 through 1995, 0.41 in 1996, 0.30 in 1997, and 0.23 in 1998 and thereafter, provided the allowable levels of fishing in 1996 and 1997 do not exceed 18.518 million lb (8.4 million kg), unless such levels have an associated F of 0.23. This schedule is mandated by the FMP to prevent overfishing and to rebuild the summer flounder resource. The Committee reviews the following information annually to determine the allowable levels of fishing and other restrictions necessary to achieve a given fishing mortality rate goal: (1) Commercial and recreational catch data; (2) current estimates of fishing mortality; (3) stock status; (4) recent estimates of recruitment; (5) virtual population analysis, a method for analyzing fish stock abundance; (6) levels of regulatory noncompliance by fishermen or individual states; (7) impact of fish size and net mesh regulations; (8) impact of gear, other

than otter trawls, on the mortality of summer flounder; and (9) other relevant information. Pursuant to § 625.20, after this review, the Committee recommends management measures to ensure achievement of the appropriate fishing mortality rate.

The 1996 final specifications, which were implemented on December 31, 1995 (61 FR 291, January 4, 1996), are: (1) A minimum commercial fish size of 13 inches (33 cm), (2) a minimum mesh size restriction of 5.5-inch (14.0-cm) diamond or 6.0-inch (15.2-cm) square, (3) a coastwide harvest limit of 18,518,830 lb (8.40 million kg); (4) a coastwide commercial quota of 11,111,298 lb (5.04 million kg), and (5) a coastwide recreational harvest limit of 7,407,532 lb (3.36 million kg).

The recreational season, possession limit, and minimum size were not established as part of the final specifications, because recreational catch data for 1995 were not available for the Committee's use in evaluating the effectiveness of the 1995 measures. Shortly after preliminary data became available in October 1995, the Committee met to review the 1995 data and to recommend measures for 1996. The Committee recommended to continue the elimination of the closed season, an individual possession limit of eight fish per person, and a minimum fish size of 14 inches (35.6 cm). These recommendations, adopted by the Council on January 26, 1996, are proposed in this action.

An apparent discrepancy exists between the harvest limit decrease from 1995 to 1996 (7.76 million lb [3.52 million kg]) to 7.41 million lb [3.36 million kg]) and the possession limit increase (from six fish to eight fish). This increase in the possession limit is consistent with the relaxation of the mortality reduction schedule recently approved in Amendment 7 to the FMP (60 FR 57955, November 24, 1995). Further, the Council believes that this increase is warranted because, while the recreational harvest limit decreased from 1995 to 1996, estimated 1995 landings are below both the 1995 and 1996 harvest limits. This landings shortage occurred despite the fact that most states implemented an eight fish per person possession limit in 1995, as allowed under the ASMFC plan. The Council believes that the increase to eight fish per person in the exclusive economic zone (EEZ) in 1996 will provide recreational harvesters with the opportunity to reach the harvest limit.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, such as the charter boats and head boats that serve the recreational fishery. Despite the increase in the possession limit that this action would implement, it is anticipated that few recreational fishermen will actually attain the maximum possession limit under this rulemaking. Specifically, this action will not affect a substantial number of small entities because it will not trigger the following criteria: (1) The regulations are not likely to result in a change in annual gross revenues by more than 5 percent; (2) annual compliance costs will not increase by more than 5 percent; and (3) the regulations will not force small entities to cease business operations. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 625

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 16, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 625 is proposed to be amended as follows:

PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

Authority: 16 U.S.C. 1801, *et seq.*

2. In § 625.25, in paragraph (a) the first sentence is revised to read as follows:

§ 625.25 Possession limit.

(a) No person shall possess more than eight summer flounder in, or harvested from, the EEZ unless that person is the owner or operator of a fishing vessel issued a moratorium permit under § 625.4. * * *

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[FR Doc. 96-9771 Filed 4-17-96; 11:50 am]

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