

chapter. The intermediary's determination is subject to review under subpart R of part 405 of this chapter.

(d) *Exemptions.* Exemptions from the limits imposed under this section may be granted to a new SNF. A new SNF is a provider of inpatient services that has operated as the type of SNF (or the equivalent) for which it is certified for Medicare, under present and previous ownership, for less than 3 full years. An exemption granted under this paragraph, expires at the end of the SNF's first cost reporting period beginning at least 2 years after the provider accepts its first inpatient.

(e) *Exceptions.* Limits established under this section may be adjusted upward for a SNF or HHA under the circumstances specified in paragraphs (e)(1) through (e)(5) of this section. An adjustment is made only to the extent that the costs are reasonable, attributable to the circumstances specified, separately identified by the SNF or HHA, and verified by the intermediary.

(1) *Atypical services.* The SNF or HHA can show that the—

(i) Actual cost of services furnished by a SNF or HHA exceeds the applicable limit because the services are atypical in nature and scope, compared to the services generally furnished by SNFs or HHAs similarly classified; and

(ii) Atypical services are furnished because of the special needs of the patients treated and are necessary in the efficient delivery of needed health care.

(2) *Extraordinary circumstances.* The SNF or HHA can show that it incurred higher costs due to extraordinary circumstances beyond its control. These circumstances include, but are not limited to, strikes, fire, earthquake, flood, or other unusual occurrences with substantial cost effects.

(3) *Areas with fluctuating populations.* The SNF or HHA meets the following conditions:

(i) Is located in an area (for example, a resort area) that has a population that varies significantly during the year.

(ii) Is furnishing services in an area for which the appropriate health planning agency has determined does not have a surplus of beds or services and has certified that the beds or services furnished by the SNF or HHA are necessary.

(iii) Meets occupancy or capacity standards established by the Secretary.

(4) *Medical and paramedical education.* The SNF or HHA can demonstrate that, if compared to other SNFs or HHAs in its group, it incurs increased costs for items or services covered by limits under this section

because of its operation of an approved education program specified in § 413.85.

(5) *Unusual labor costs.* The SNF or HHA has a percentage of labor costs that varies more than 10 percent from that included in the promulgation of the limits.

(f) *Operational review.* Any SNF or HHA that applies for an exception to the limits established under paragraph (e) of this section must agree to an operational review at the discretion of HCFA. The findings from this review may be the basis for recommendations for improvements in the efficiency and economy of the SNF's or the HHA's operations. If recommendations are made, any future exceptions are contingent on the SNF's or HHA's implementation of these recommendations.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 8, 1997.

Nancy-Ann Min DeParle,
Administrator, Health Care Financing
Administration.

Dated: April 6, 1998.

Donna E. Shalala,
Secretary.
[FR Doc. 98-21423 Filed 8-10-98; 8:45 am]
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FEDERAL MARITIME COMMISSION

46 CFR Part 514

[Docket No. 98-10]

Inquiry into Automated Tariff Filing Systems as Proposed by the Pending Ocean Shipping Reform Act of 1998

AGENCY: Federal Maritime Commission.

ACTION: Notice of inquiry; Extension of time.

SUMMARY: Upon consideration of a request from counsel for various carrier agreements and ocean common carriers a limited extension of time to comment on the Notice of Inquiry in this matter is granted.

DATES: Comments due on or before August 25, 1998.

ADDRESSES: Send comments (original and 20 copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW, Washington DC 20573-0001, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT:
Bryant L. VanBrakle, Director, Bureau of
Tariffs, Certification and Licensing,

Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573-0001, (202) 523-5796

Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573-0001, (202) 523-5740.

SUPPLEMENTARY INFORMATION: The Commission on July 9, 1998, (63 FR 37088) published a Notice of Inquiry ("NOI") to help determine an approach that will produce automated tariff publication systems and service contract filings that best comport with the directives of S. 414, the Ocean Shipping Reform Act of 1998, and its legislative history. The Commission directed comments to be filed by August 10, 1998, recognizing that S. 414 was awaiting action in the House of Representatives and that passage there before adjournment could leave a very short time period to adopt final implementing rules by the March 1, 1999, deadline contained in S. 414.

Counsel for numerous carrier agreements and ocean common carriers now have requested a 30-day extension of the comment period to September 11, 1998. As justification therefore counsel refer to the fact that S. 414 has not yet been passed by the House and it would be "premature and speculative to offer comments on how it should be implemented." Counsel further suggest that because of the uncertainty of the legislative process they have been "reluctant to devote much time" to the matter and "have not had an opportunity to meet and discuss these issues."

The Commission, in establishing the August 10 comment deadline, recognized that enactment of S. 414 in its current form was not a certainty, but nevertheless determined that time constraints required that the NOI go forward. Nothing has changed in this regard although the House of Representatives on August 4 passed a slightly modified version of S. 414. Given the S. 414 time constraints, the Commission must continue to proceed expeditiously and cannot accommodate a 30-day extension request. Nevertheless, a 15-day extension to August 25, 1998, will be granted in the interest of maximizing public participation in the NOI. The demands inherent in meeting the proposed statutory timetable may preclude comments received after that date from

being considered in the preparation of a proposed rule.

Joseph C. Polking,

Secretary.

[FR Doc. 98-21491 Filed 8-10-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MM Docket No. 98-93; DA 98-1406]

1998 Biennial Regulatory Review

AGENCY: Federal Communications Commission.

ACTION: Notice of available technical information.

SUMMARY: The Office of Engineering and Technology is making available technical information relating to the *Notice of Proposed Rulemaking and Order*, 63 FR 33892 (June 22, 1998), in MM Docket No. 98-93. The information consists of two items: A report, "Field Strength Prediction in Irregular Terrain," describing the derivation of the point-to-point (PTP) model proposed in the *NPRM*, and; Comparisons of the predictions of the PTP model with field measurement data. FCC staff has also placed in the docket of this proceeding a spacing table for Class C0 minimum distance separation requirements. See memo dated July 22, 1998 from Peter H. Doyle to Magalie Roman Salas. This table supplements the description of Class C0 separation requirements provided at footnote 72 of the *NPRM*.

This technical information is part of the record in MM Docket No. 98-93 and is available for public inspection and copying during normal business hours in the FCC Public Reference Room, Room 238, 1919 M Street, NW., Washington, DC. A complete copy of these materials may be purchased from the Commission's copy contractor, International Transcription Service (ITS), 1231 20th Street, NW., Washington, DC, (202) 857-3800 (phone), (202) 857-3805 (facsimile). This information may be reviewed or downloaded from the FCC Worldwide Web site at [<http://www.fcc.gov/oet/fm/ptp/>].

FOR FURTHER INFORMATION CONTACT: Peter Doyle (202-418-2126), Mass Media Bureau.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MM Docket No. 98-93; DA 98-1468]

1998 Biennial Regulatory Review

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment deadline.

SUMMARY: The Commission granted an extension for filing comments and reply comments in the *NPRM* Re: Biennial Regulator Review released July 23, 1998 in response to a request filed by the National Association of Broadcasters ("NAB"). The intended effect of this action is to allow parties to have additional time in which to file comments and reply comments in this proceeding.

DATES: Comments are due on or before October 20, 1998; reply comments are due on or before November 20, 1998.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Paul Gordon (202-418-2130) or Peter Doyle (202-418-2126), Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Order* granting an extension of time for filing comments and reply comments in MM Docket No. 98-93, DA 98-1468, adopted July 23, 1998, and released July 23, 1998. The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Synopsis of Order Granting Extension of Time for Filing Comments

1. On June 11, 1998, the Commission adopted a *Notice of Proposed Rulemaking and Order*, 63 FR 33892 (June 22, 1998), in this proceeding. The *Notice* solicited comment on several proposals to substantially streamline and otherwise revise a wide variety of radio technical rules. The *Notice* set the comment filing deadline at August 21, 1998 and the reply comment filing deadline at September 21, 1998.

2. On July 15, 1998, the National Association of Broadcasters ("NAB") filed a "Motion for Extension of Time of Comment and Reply Comment Deadlines." In support of its request,

NAB reports that it has formed an *ad hoc* committee of broadcast engineers to study the proposals set forth in the *Notice*. According to NAB, the committee needs additional time to meet, discuss the issues, and form conclusions regarding the possible impact of the Commission's proposals. Therefore, NAB requests an extension of the comment and reply comment deadlines to October 20, 1998 and November 20, 1998, respectively, so that NAB and radio broadcasters can participate more effectively in this proceeding.

3. We will grant the requested extension. This proceeding raises a number of complex technical issues affecting the nature of the broadcast radio service provided to the public. We agree with NAB that a well-documented record will provide a more informed decision as to how the technical rules should be modified. The *ad hoc* committee of engineers that NAB has formed has the potential to make a significant contribution to such a record. NAB represents many of the parties that will most directly be affected by any actions we take in this regard, and it has shown good cause why a sixty-day extension will enable it to provide more well-informed comments.

4. Accordingly, *it is ordered* That the "Motion for Extension of Time of Comment and Reply Comment Deadlines" filed by the National Association of Broadcasters in MM Docket No. 98-93 Is granted. The time for filing comments *are extended* by sixty days, until October 20, 1998.

5. *It is further ordered* That the time for filing reply comments in this proceeding likewise *Is extended* for sixty days, until November 20, 1998.

6. This action is taken pursuant to the authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i) and 303(r), and sections 0.204(b), 0.283, and 1.46 of the Commission's rules, 47 CFR 0.204(b), 0.283, and 1.46.

List of Subjects in 47 CFR Parts 73 and 74

Radio, reporting and recordkeeping requirements.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 98-21388 Filed 8-10-98; 8:45 am]

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