

Authority: Secs. 1102, 1861(v)(1)(A), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395x(v)(1)(A), and 1395hh).

2. Section 413.1 is amended by redesignating paragraphs (a)(1)(ii) (C) through (J) as paragraphs (a)(1)(ii) (D) through (K), respectively, and adding a new paragraph (a)(1)(ii)(C) to read as follows:

**§ 413.1 Introduction.**

(a) *Basis, scope, and applicability.*

(1) *Statutory basis.* \* \* \*

(ii) *Additional requirements.* \* \* \*

(C) Sections 1815(a) and 1833(e) of the Act provide the Secretary with authority to request information from providers to determine the amount of Medicare payment due providers.

\* \* \* \* \*

3. Section 413.24 is amended by redesignating existing paragraphs (f)(4)(i) through (f)(4)(iv) as paragraphs (f)(4)(ii) through (f)(4)(v); adding a new paragraph (f)(4)(i); and revising redesignated paragraphs (f)(4)(ii) through (f)(4)(v) to read as follows:

**§ 413.24 Adequate cost data and cost finding.**

\* \* \* \* \*

(f) *Cost reports.* \* \* \*

(4) *Electronic submission of cost reports.* (i) As used in this paragraph, "provider" means a hospital, skilled nursing facility, or home health agency. (ii) Effective for cost reporting periods beginning on or after October 1, 1989, for hospitals, and cost reporting periods ending on or after February 1, 1997, for skilled nursing facilities and home health agencies, a provider is required to submit cost reports in a standardized electronic format. The provider's electronic program must be capable of producing the HCFA standardized output file in a form that can be read by the fiscal intermediary's automated system. This electronic file, which must contain the input data required to complete the cost report and the data required to pass specified edits, is forwarded to the fiscal intermediary for processing through its system.

(iii) The fiscal intermediary stores the provider's as-filed electronic cost report and may not alter that file for any reason. The fiscal intermediary makes a "working copy" of the as-filed electronic cost report to be used, as necessary, throughout the settlement process (that is, desk review, processing audit adjustments, final settlement, etc). The provider's electronic program must be able to disclose if any changes have been made to the as-filed electronic cost report after acceptance by the intermediary. If the as-filed electronic cost report does not pass all specified

edits, the fiscal intermediary rejects the cost report and returns it to the provider for correction. For purposes of the requirements in paragraph (f)(2) of this section concerning due dates, an electronic cost report is not considered to be filed until it is accepted by the intermediary.

(iv) Effective for cost reporting periods ending on or after September 30, 1994, for hospitals, and cost reporting periods ending on or after February 1, 1997, for skilled nursing facilities and home health agencies, a provider must submit a hard copy of a settlement summary, a statement of certain worksheet totals found within the electronic file, and a statement signed by its administrator or chief financial officer certifying the accuracy of the electronic file or the manually prepared cost report. During a transition period, skilled nursing facilities and home health agencies must submit a hard copy of the completed cost report forms in addition to the electronic file. The following statement must immediately precede the dated signature of the provider's administrator or chief financial officer:

I hereby certify that I have read the above certification statement and that I have examined the accompanying electronically filed or manually submitted cost report and the Balance Sheet Statement of Revenue and Expenses prepared by \_\_\_\_\_ (Provider Name(s) and Number(s)) for the cost reporting period beginning \_\_\_\_\_ and ending \_\_\_\_\_ and that to the best of my knowledge and belief, this report and statement are true, correct, complete and prepared from the books and records of the provider in accordance with applicable instructions, except as noted. I further certify that I am familiar with the laws and regulations regarding the provision of health care services, and that the services identified in this cost report were provided in compliance with such laws and regulations.

(v) A provider may request a delay or waiver of the electronic submission requirement in paragraph (f)(4)(ii) of this section if this requirement would cause a financial hardship or if the provider qualifies as a low or no Medicare utilization provider. The provider must submit a written request for delay or waiver with necessary supporting documentation to its intermediary no later than 30 days after the end of its cost reporting period. The intermediary reviews the request and forwards it, with a recommendation for approval or denial, to HCFA central office within 30 days of receipt of the request. HCFA central office either approves or denies the request and notifies the intermediary within 60 days of receipt of the request.

\* \* \* \* \*

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

Dated: September 27, 1996.

Bruce C. Vladeck,

*Administrator, Health Care Financing Administration.*

[FR Doc. 96-33093 Filed 12-31-96; 8:45 am]

BILLING CODE 4120-01-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 74-14; Notice 110]

RIN 2127-AG14

### Federal Motor Vehicle Safety Standards; Occupant Crash Protection

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** On November 27, 1996, NHTSA published a final rule requiring vehicles with air bags to have new warning labels. The preamble to the notice stated that one of the labels, the removable label, would have the following statement: "Children *Can* Be KILLED or INJURED by Passenger Air Bag." (emphasis added) Two other labels, the sun visor warning label and the child seat label, also include statements indicating that death or injury *can* occur. Due to a typographic error, the figure in the regulatory text for the removable label indicates that the label should read: "Children *May* Be KILLED or INJURED by Passenger Air Bag." (emphasis added). This notice corrects that error.

**DATES:** *Effective Date:* The amendments made in this rule are effective January 2, 1997.

*Petition Dates:* Any petitions for reconsideration must be received by NHTSA no later than February 18, 1997.

**ADDRESSES:** Any petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

#### FOR FURTHER INFORMATION CONTACT:

Mary Versailles, Office of Safety Performance Standards, NPS-31, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590; telephone

(202) 366-2057; facsimile (202) 366-4329; electronic mail "mversailles@nhtsa.dot.gov".

**SUPPLEMENTARY INFORMATION:** On November 27, 1996, NHTSA published a final rule amending 49 CFR 571.208 to require vehicles with air bags to have new warning labels. The preamble to the notice stated that one of the labels, the removable label, would have the following statement: "Children *Can* Be KILLED or INJURED by Passenger Air Bag." (emphasis added) Two other labels, the sun visor warning label and the child seat label, also include statements indicating that death or injury *can* occur. Due to a typographic error, the figure in the regulatory text for the removable label indicates that the label should read: "Children *May* Be KILLED or INJURED by Passenger Air Bag." (emphasis added). This notice corrects that error.

Vehicles manufactured on or after February 25, 1997 (90 days after publication of the final rule) must be equipped with the new warning labels. Because NHTSA is aware that many manufacturers have begun preparations to comply with the new rule, and because it would be difficult for manufacturers to comply by February 25 if they were to start that process over again, NHTSA has decided to allow manufacturers to use either "can" or "may" in the text of the removable label until September 1, 1997. For vehicles manufactured on or after September 1, 1997, the removable label must use the word "can."

NHTSA finds for good cause that this final rule can be made effective in less than 30 days. This rule corrects a typographic error in the regulatory language of the November 27, 1996, final rule. This notice should therefore be effective on the same date as the earlier rule.

#### Rulemaking Analyses and Notices

##### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." This document is part of an action that was determined to be

"significant" under the Department of Transportation's regulatory policies and procedures. However, this notice does not impose any new requirements on manufacturers. It simply corrects a typographic error.

##### *Regulatory Flexibility Act*

NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. Further, this final rule will not alter the economic impacts of the November 1996 final rule. As explained above, this rule will not have an economic impact on any manufacturers.

##### *Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96-511), there are no requirements for information collection associated with this final rule.

##### *National Environmental Policy Act*

NHTSA has also analyzed this final rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

##### *Executive Order 12612 (Federalism)*

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

##### *Civil Justice Reform*

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for

reconsideration or other administrative proceedings before parties may file suit in court.

##### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

#### **PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

1. The authority citation for part 571 of title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.208 is amended by revising S4.5.1(e) introductory text and by adding new paragraph (e)(iv) to read as follows:

##### **§ 571.208 Standard No. 208, Occupant Crash Protection.**

\* \* \* \* \*

##### **S4.5.1 Labeling and owner's manual information.**

\* \* \* \* \*

(e) *Label on the dash.* Each vehicle manufactured on or after February 25, 1997 that is equipped with an inflatable restraint for the passenger position shall have a label attached to a location on the dashboard or the steering wheel hub that is clearly visible from all front seating positions. The label need not be permanently affixed to the vehicle. This label shall conform in content to the label shown in Figure 7 of this standard, and shall comply with the requirements of S4.5.1(e)(2)(i) through S4.5.1(e)(2)(iv).

\* \* \* \* \*

(iv) For vehicles manufactured before September 1, 1997, the label shown in Figure 7 may be modified by replacing the word "can" with the word "may" in the statement: "Children can be killed or injured by passenger air bag."

\* \* \* \* \*

##### **§ 571.208 [Amended]**

3. Section 571.208 is amended by replacing figure 7 with a new figure 7 as follows:

L. Robert Shelton,  
Associate Administrator for Safety Performance Standards.

BILLING CODE 4910-59-P

## Label Outline and Horizontal Line Black

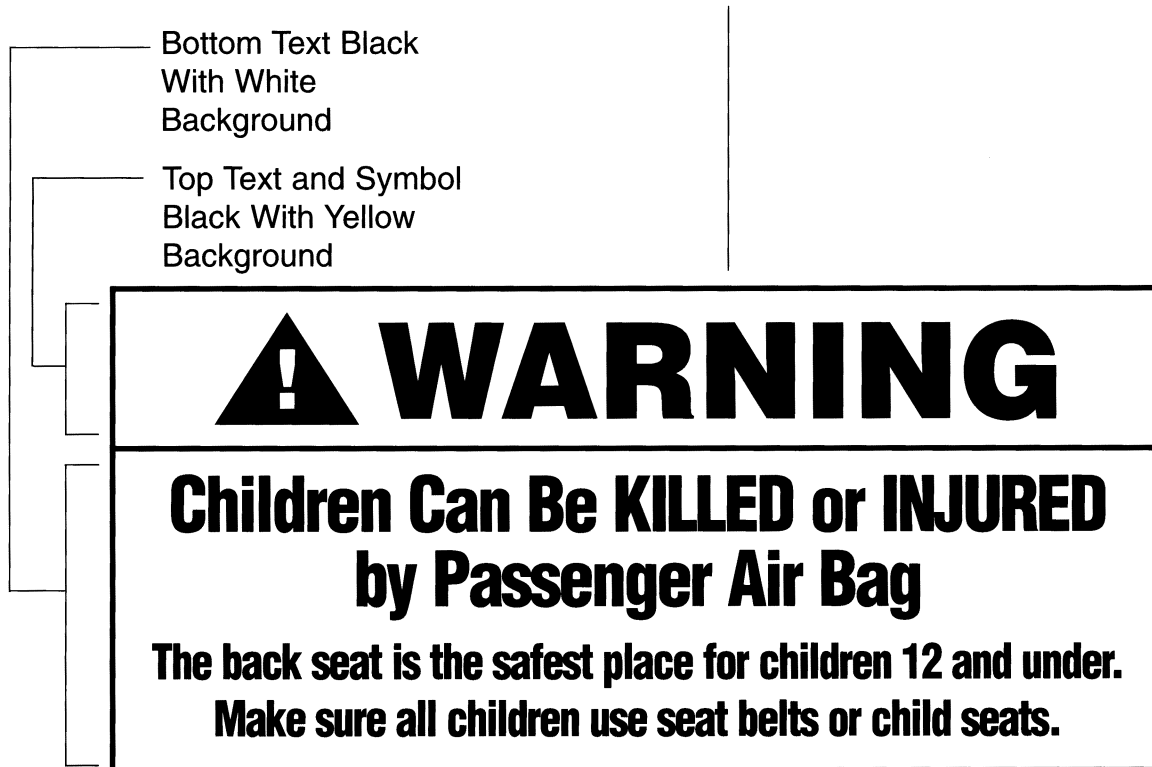


Figure 7. Removable Label on Dash.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 950605147-6368-05; I.D. 040996D]

RIN 0648-AH33

#### Final List of Fisheries for 1997

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

**ACTION:** Final rule.

**SUMMARY:** In accordance with the Marine Mammal Protection Act of 1972, as amended (MMPA), NMFS updates its final List of Fisheries (LOF) for 1997. The LOF classifies fisheries as Category I, II, or III, based on their level of incidental mortalities and serious injuries of marine mammals. The LOF

informs the public of the level of interactions with marine mammals in various U.S. commercial fisheries and which fisheries are subject to certain provisions of the MMPA, such as the requirement to register for Authorization Certificates. The registration of several fisheries under this program, referred to as the Marine Mammal Assessment Program (MMAP), has been successfully integrated with other existing registration or permitting systems. NMFS also amends the instructions for registration in part 229.

**EFFECTIVE DATES:** The amendments to part 229 are effective December 27, 1996. As of December 27, 1996, the effective period of the List of Fisheries for 1996 (60 FR 67063, Dec. 28, 1995) is extended to February 28, 1997. The changes to the List of Fisheries for 1997 are effective March 1, 1997.

**ADDRESSES:** Information and registration material for the region in which a fishery occurs, and reporting forms, may be obtained from the following addresses: NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930-2298, Attn: Sandra Arvilla; NMFS, Southeast Region, 9721

Executive Center Drive North, St. Petersburg, FL 33702; NMFS, MMAP, Protected Species Management Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; NMFS Northwest Region, 7600 Sand Point Way NE, Seattle, WA 98115, Attn: Permits office; NMFS-PMRD, P.O. Box 22668, 709 West 9th Street, Juneau, AK 99082.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Chief, Marine Mammal Division, Office of Protected Resources, 1315 East-West Hwy, Silver Spring, MD 20910 and Office of Management and Budget (OMB), Washington, D.C. 20502 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Robyn Angliss, Office of Protected Resources, 301-713-2322; Douglas Beach, Northeast Region, 508-281-9254; Charles Oravetz, Southeast Region, 813-570-5301; James Lecky, Southwest Region, 310-980-4015; Brent Norberg, Northwest Region, 206-526-6140; Steven Zimmerman, Alaska Region, 907-586-7235.