

funds are reallocated, they will be allocated in accordance with section 2604 and will be treated as an amount appropriated for FY 1994.

FOR FURTHER INFORMATION CONTACT:

Janet M. Fox, Director, Division of Energy Assistance, Office of Community Services, 370 L'Enfant Promenade SW., Washington, DC 20447; telephone (202) 401-9351.

Dated: May 25, 1994.

Donald Sykes,

Director, Office of Community Services.

[FR Doc. 94-13597 Filed 6-3-94; 8:45 am]

BILLING CODE 4184-01-P

Public Health Service

Notice Regarding Section 602 of the Veterans Health Care Act of 1992 Inclusion of Outpatient Hospital Facilities

AGENCY: Public Health Service, HHS.
ACTION: Notice.

SUMMARY: Section 602 of Public Law 102-585, the "Veterans Health Care Act of 1992" (the "Act"), enacted section 340B of the Public Health Service Act ("PHS Act"), "Limitation on Prices of Drugs Purchased by Covered Entities." Section 340B provides that a manufacturer who sells covered outpatient drugs to eligible entities must sign a pharmaceutical pricing agreement (the "Agreement") with the Secretary, Department of Health and Human Services, in which the manufacturer agrees to charge a price for covered outpatient drugs that will not exceed the amount determined under a statutory formula.

Section 340B(a)(4) lists the entities eligible to receive discount outpatient drug pricing (i.e., certain disproportionate share hospitals (DSHs) and PHS grantees). The definition of a disproportionate share hospital found in section 340B(a)(4)(L) provides criteria to determine which such hospitals are eligible to participate in the program. However, the definition does not include criteria to determine which outpatient facilities (including off-site or satellite clinics) working in conjunction with the eligible hospital would be considered part of the hospital for purposes of eligibility for section 340B drug discounts. The Office of Drug Pricing, which administers this program with PHS, is proposing certain procedures to determine which outpatient hospital facilities are included as part of an eligible disproportionate share hospital.

DATES: The public is invited to submit comments on the proposed procedures

by July 6, 1994. Subject to consideration of the comments submitted, the Department intends to publish a final notice regarding these procedures.

ADDRESSES: Submit comments to Ms. Alvarez at the address listed below.

FOR FURTHER INFORMATION CONTACT: Marsha Alvarez, R. Ph., Director, Office of Drug Pricing, Bureau of Primary Health Care, 4350 East West Highway, West Towers, 10th Floor, Bethesda, MD 20814, Tel: (301) 594-4354.

SUPPLEMENTARY INFORMATION: Section 340B(a)(4) of the PHS Act lists the various groups of entities eligible to receive the section 340B discount pricing. Section 340B(a)(4)(L)¹ describes a subset of "hospitals" as defined in section 1886(d)(1)(B) of the Social Security Act as eligible to participate in the program. Because section 1886 addresses Medicare payment for hospital inpatient services only, the scope of the term "hospital" has been limited to the hospital inpatient services. However, section 340B deals exclusively with outpatient drugs. Although Congress clearly intended that this narrow definition be used to identify Medicare disproportionate share hospitals which are eligible for section 340B drug discounts, we do not believe it is reasonable to use this same definition to limit where the section 340B outpatient drug can be used. Some disproportionate share hospitals offer outpatient services in off-site or satellite outpatient facilities. Further, the movement of nonprofit hospitals in recent years has been to reorganize and offer a variety of services other than

¹ Section 340B(a)(4)(L) of the PHS Act defines as a covered entity—"A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) [42 U.S.C. 1396ww(d)(1)(B)] that—(i) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a private non-profit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act [42 U.S.C.A. section 1395 et seq.] or eligible for assistance under the State plan under this title; (ii) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined under section 1886(d)(5)(F) of the Social Security Act) [42 U.S.C.A. 1395ww(d)(5)(F)] greater than 11.75 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act [42 U.S.C.A. 1395ww(d)(5)(F)(i)(II)]; and (iii) does not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement."

The Health Care Financing Administration (HCFA) submitted to the Office of Drug Pricing a list of hospitals that met the first two requirements (i.e., 340B(a)(4)(L)(i) and (ii)). HCFA will update this list periodically.

traditional inpatient hospital services through separate divisions, lines of business, or entities. Therefore, for purposes of section 340B drug discounts, a more inclusive interpretation of "hospital" is needed.

The Office of Drug Pricing Program is proposing to recognize as part of an eligible DSH outpatient facilities (including off-site and satellite clinics) which meet the following standard:

The outpatient facility is considered an integral part of the "hospital" and therefore eligible for section 340B drug discounts if it is a reimbursable facility included on the hospital's Medicare cost report.

For example, if a hospital with one Medicare provider number meets the disproportionate share criteria and this hospital has associated outpatient clinics whose costs are listed on the Medicare cost report, these clinics would also be eligible for section 340B drug discounts. However, free-standing clinics of the hospital that submit their own cost reports using a different Medicare number (not under the single hospital Medicare provider number) would not be eligible for this benefit.

This test, using the single Medicare provider number, is proposed for three reasons. First, Congress referred to section 1886 of the Social Security Act, part of the Medicare statute, for the definition of a DSH in section 340B(a)(4)(L) of the PHS Act. We believe, therefore, that it is reasonable to utilize existing Medicare rules to determine eligibility for the drug discount program. The proposed Medicare cost report test was developed by Medicare officials and is used, in part, to determine whether a facility is part of a hospital. If an outpatient facility does not share in the hospital cost report, it is properly viewed as an independent, free-standing facility.

Second, the relative administrative burden of the proposed test (i.e., obtaining sufficient documentation to verify the inclusion of these off-site facilities) should be minimal. Hospitals seeking Medicare reimbursement are required to submit annual cost reports including all hospital units (e.g., on site and off-site clinics); therefore, the information necessary to determine facility eligibility is available and needs no further analysis by the Office of Drug Pricing.

Third, the test incorporates criteria (i.e., the Medicare cost report) that form an independent and objective basis upon which to determine eligibility. Therefore, this test should provide fair and easy administration.

If DSHs have difficulty accessing PHS pricing for eligible outpatient clinics,

they should contact the Office of Drug Pricing (not HCFA) for assistance. If manufacturers have questions concerning the eligibility of certain DSH outpatient clinics, they should also contact the Office of Drug Pricing for a determination of eligibility.

Dated: May 27, 1994.

Ciro V. Sumaya,
Administrator, Health Resources and Services Administration.

[FR Doc. 94-13712 Filed 6-3-94; 8:45 am]

BILLING CODE 4190-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-015-94-4210-05; G4-180]

Withdrawal of Public Lands From Sale Offering

AGENCY: Bureau of Land Management, Interior, Lakeview District.

ACTION: Withdrawal of Sale Parcels OR 36285 and OR 49389 from Public Sale Offering.

Notice is given that sale parcels OR 36285 and OR 49389, previously published for public sale offering in the Federal Register April 11, 1986, Vol. 51, No. 70, page 12573 and July 22, 1993, Vol. 58, No. 139, pages 39225 and 39226, respectively, are hereby withdrawn from sale.

The subject parcels were advertised for public sale by notice in the above Federal Register volumes pursuant to section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750, 43 U.S.C. 1713) and have not sold. These parcels will be reconsidered for future public sale offering upon public request only.

Scott R. Florence,
Manager, Lakeview Resource Area.

[FR Doc. 94-13635 Filed 6-3-94; 8:45 am]

BILLING CODE 4310-33-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-206]

Revision to Accounting and Reporting Requirements for Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Notice of reopening and request for comments.

SUMMARY: The Commission adopted the Annual Report Form M-2 (Form M-2) for class II motor carriers of property, as

set forth below. The purpose of this notice is to give interested parties an opportunity to comment on the new form.

DATES: Comments are due on July 6, 1994. Replies are due August 5, 1994.

ADDRESSES: Send an original and 15 copies, if possible, of comments and replies referring to Ex Parte No. MC-206 to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Brian A. Holmes or Leonard J. Blistein, (202) 927-5740, (TTD for hearing impaired: (202) 927-5721.)

SUPPLEMENTARY INFORMATION: By decision in Ex Parte No. MC-206, Revision to Accounting and Reporting Requirements for Motor Carriers of Property, 9 I.C.C.2d 1268 (1994), and published at 59 FR 5110 (2-3-94) (Final Rule), we adopted a new and separate annual report form for class II motor carriers of property, designated as Annual Report Form M-2.

In our Final Rule, we retained class II annual reporting at a reduced level of detail as compared to the old Annual Report Form M. Before adoption of the Final Rule, no opportunity for public comment on the content of the Form M-2 was provided. For this reason, we are reopening this proceeding on our own motion to provide such an opportunity.

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call or pick up in person from: Office of the Secretary, Room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 927-7428. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

We conclude that implementation of our action to seek comments will not have a significant impact on a substantial number of small entities. Form M-2 was adopted previously. This notice only affords interested persons an opportunity to offer comments.

The Form M-2 contained in this notice will be submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (5 CFR 1320). Interested persons may direct comments concerning the paperwork burden and burden estimates of the Form M-2 to the OMB and ICC by addressing them to: Office of Management & Budget, Office of Information and Regulatory Affairs, Desk Officer for ICC (Forms 3120-), Washington, DC 20503.

Interstate Commerce Commission, ATTN: Information Resource Management Forms, Clearance

Officer, Room 4136, Washington, DC 20423.

We conclude that implementation of our action to seek comments will not have a significant impact upon the quality of the human environment or the conservation of energy resources.

Decided: May 25, 1994.

By the Commission, Chairman McDonald, Vice Chairman Phillips, Commissioners Simmons and Morgan.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 94-13701 Filed 6-3-94; 8:45 am]

BILLING CODE 7035-01-M

Form M-2

Class II

Motor Carriers of Property and Household Goods

Approved by: OMB

3120-xxxx

Expires 12/31/97

Annual Report

Motor Carrier No.

Name of Company

Doing Business As

Present Address

City

State

Zip

Telephone No.

to the Interstate Commerce Commission for the period ending December ____, 1994

Notice

1. Three copies of this Annual Report shall be completed. Two of the copies must be filed with the Office of Economic and Environmental Analysis, Interstate Commerce Commission, Washington, DC 20423, by March 31 of each year, and one copy retained by the carrier.

2. Instructions for completion of each line of the schedules are contained in the schedules.

3. Every inquiry must be definitely answered. Where the word "none" truly and completely states the fact, it should be given as the answer. If any inquiry is inapplicable, the words "not applicable" should be used.

4. Wherever the space provided in the schedules is insufficient to permit a full and complete statement of the requested information, inserts should be prepared and appropriately identified by the number of the schedule.

5. All entries should be made in a permanent black ink or typed. Those of