

review reveals widespread, systematic, and unresolvable problems with the JCAHO or AAAHC accreditation process with respect to these ASC programs. These problems would provide evidence that JCAHO or AAAHC ASCs cease to demonstrate that they meet Medicare conditions.

D. Conclusion

For the reasons stated above, we believe that the JCAHO and AAAHC accreditation standards and survey processes, subject to the stipulations described, demonstrate that Medicare conditions or requirements have been met or exceeded. We therefore propose to deem ASCs accredited by JCAHO and AAAHC to be in compliance with the Medicare conditions for ASCs in accordance with the authority provided in section 1865 of the Act.

III. Paperwork Reduction Act

The burden reflected in this notice is referenced in the currently approved regulation entitled "Granting and Withdrawal of Deeming Authority to National Accreditation Organizations (HSQ-159-F)." The paperwork burden referenced in this regulation has been submitted to the Office of Management and Budget for review and approval under HCFA form number "HCFA-R-191." Persons can reference the supporting statement for this paperwork collection (HCFA-R-191) on the INTERNET at <http://www.hcfa.gov> until the Office of Management and Budget's approval has been obtained.

IV. Response to Comments

Because of the large number of items of correspondence we normally receive on Federal Register documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the DATES section of this preamble, and, if we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Impact Regulatory Statement

In fiscal year 1993, there were 1,657 certified ASCs participating in the Medicare/Medicaid programs. We conducted 141 initial, 549 recertification (both at a cost of \$537,312), and 18 complaint surveys. In fiscal year 1994, there were 1,855 certified ASCs. This was an increase of 198 facilities. We conducted 213 initial, 492 recertification (both at a cost of \$555,068), and 24 complaint surveys. In fiscal year 1995, there were 2,105 ASCs. This was an increase of 250 Medicare/

Medicaid certified ASCs. We conducted 211 initial, 288 recertification (both at a cost of \$714,069), and 24 complaint surveys. As the data above indicate, the number of ASCs and the cost for conducting ASC surveys are increasing; however, the number of surveys conducted is decreasing. We contacted several Regional Offices to determine the number of pending ASC initial surveys, which number approximately 200 to 300. These pending initial surveys are not uniformly dispersed among the Regional Offices, so there would be a significant impact on some Regional Offices.

For the current fiscal year, the appropriation for survey activities has not increased over the levels granted for fiscal years 1994 and 1995. Yet, the numbers of participating providers and suppliers continue to increase. As indicated above, there was a 22 percent increase in ASCs within 3 years (fiscal years 1993 through 1995). In an effort to guarantee the continued health, safety, and services of beneficiaries in facilities already certified, as well as provide relief in this time of tight fiscal restraints, we are proposing to deem ASCs accredited by the JCAHO and AAAHC as meeting Medicare requirements. Thus we continue our focus on assuring the health and safety of services by providers and suppliers already certified for participation in a cost effective manner.

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

Authority: Section 1865 of the Social Security Act (42 U.S.C. 1395bb). (Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 28, 1996.

Bruce C. Vladeck,
Administrator, Health Care Financing
Administration.

Dated: July 18, 1996.

Donna E. Shalala,
Secretary.
[FR Doc. 96-18709 Filed 7-22-96; 8:45 am]
BILLING CODE 4120-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for Incidental Take Permit for Construction and Operation of Residential Development on the Seven Oaks Ranch Property, in Austin, Travis County, Texas

SUMMARY: Bee Cave Oaks Development, Inc. (applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a)(1)(b) of the Endangered Species Act (Act). The applicant has been assigned permit number PRT-812688. The requested permit, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*), and impacts to the proposed endangered Barton Springs salamander (*Eurycea sosorum*) have been addressed in the associated Habitat Conservation Plan. The proposed take on the 304-acre northern parcel may occur as a result of the development of 160 residential lots on 260 acres. Approximately 44 acres will be preserved as a greenbelt. Twenty-six residential lots are planned on approximately 29 acres of the 43-acre southern parcel, with 14 acres being preserved as a greenbelt. All construction will occur on the 347-acre Seven Oaks Ranch Property located in Austin, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take applications. A determination of whether jeopardy to the species will likely result or a Finding of No Significant Impact (FONSI) will not be made before 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received on or before August 22, 1996.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Mary Orms, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0063). Documents will be available for public inspection by written request, by

appointment only, during normal business hours (8:00 to 4:30) at the Service's Austin, Texas Ecological Services Field Office. Written data or comments concerning the application(s) and EA/HCPs should be submitted to the Field Supervisor, Ecological Field Office, Austin, Texas (see **ADDRESS** above). Please refer to permit number PRT-812688 when submitting comments.

FOR FURTHER INFORMATION CONTACT:

Mary Orms at the above Austin Ecological Service Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the "taking" of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

Bee Cave Oaks Development, Inc. plans to construct 186 residential lots and preserve approximately 58 acres of greenbelt areas within the 347-acre tract. The construction will be located at The Seven Oaks Ranch Property, located along Bee Cave Road (Highway 2244) between River Hills and Cuernavaca Roads in Austin, Travis County, Texas. This action will eliminate approximately 240 acres of habitat and six warbler territories. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by purchasing 73 acres of high quality habitat in the Vaughn Tract, located north of F.M. 2769, roughly 1.6 miles west of its intersection with Bullick Hollow Road, within the Cypress Creek macrosite preserve area of the Balcones Canyonlands Conservation Plan area, in Travis County. The land will be donated to the Lower Colorado River Authority and funding will be provided for operation and maintenance of the acquired habitat.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

Nancy M. Kaufman,
Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 96-18590 Filed 7-22-96; 8:45 am]

BILLING CODE 4510-55-M

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Tribal-State Class III Gaming Compact between the Puyallup Tribe of Indians and the State of Washington, which was executed on May 28, 1996.

DATES: This action is effective July 23, 1996.

FOR FURTHER INFORMATION CONTACT:

George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219-4068.

Dated: July 12, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-18620 Filed 7-22-96; 8:45 am]

BILLING CODE 4310-02-P

Bureau of Land Management

[WY-921-1990-00; Wyoming 0200621]

Realty Action: Termination of Recreation and Public Purposes Classification; Wyoming

AGENCY: BLM, Interior.

ACTION: Classification termination.

SUMMARY: This order terminates a BLM classification affecting 238.29 acres of public land near Cheyenne, Wyoming.

EFFECTIVE DATE: July 23, 1996.

FOR FURTHER INFORMATION CONTACT:

Tamara Gertsch, Realty Specialist, Wyoming State Office, BLM, 5353 Yellowstone Road, Cheyenne, Wyoming 82009, 307-775-6115.

By virtue of the authority vested in the Secretary of the Interior by the Recreation and Public Purposes Act of June 14, 1926, as amended; 43 U.S.C. 869; 869-4; it is ordered as follows: 1. Pursuant to the regulations in 43 CFR 2091-7-1(b)(2) and the authority delegated to me by BLM Manual Section 1203 (48 FR 85), the classification decision of April 26, 1962, which classified the land as suitable for

recreation and public purposes under the above Act and under serial number WYW 0200621, is hereby terminated as it affects the following described lands:

Sixth Principal Meridian

T. 14 N., R. 70 W.,

Sec. 28, lot 2, SW $\frac{1}{4}$.

The area described contains 238.29 acres in Laramie County.

2. Pursuant to regulations at 43 CFR 2091.2-2(b), mineral interests reserved by the United States in connection with the conveyance of public lands under the Recreation and Public Purposes Act, remain segregated from the mining laws pending the issuance of such regulations as the Secretary of the Interior may prescribe.

Dated: July 16, 1996.

Melvin Schlagel,

Realty Officer.

[FR Doc. 96-18591 Filed 7-22-96; 8:45 am]

BILLING CODE 4310-22-P

[AZ-040-7122-00-5567; AZA 29361]

Notice of Intent To Amend the Safford District Resource Management Plan; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following lands in Cochise County, Arizona have been found to meet the criteria for sale under Section 203 of the Federal Land Policy Management Act. The Safford District Resource Management Plan will be amended by adding these lands to Appendix 5, Lands that Meet Federal Land Policy and Management Act Requirements for Sale.

Gila and Salt River Meridian, Arizona

T. 23 S., R. 24 E.,

Sec. 10, lots 7 to 10, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 11, lots 4 through 8, inclusive, N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

SUPPLEMENTARY INFORMATION: These lands are proposed for sale to Phelps Dodge Corporation (published at 61 FR 6257). Interested parties may submit comments to Area Manager, Tucson Resource Area Office, 12661 East Broadway Boulevard, Tucson, Arizona 85748 until August 22, 1996.

FOR INFORMATION CONTACT: Bill Auby, Geologist, BLM, Tucson Resource Area Office, telephone number (520) 722-4289.