

purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 31, 1997.

**William Rice,**

*Acting Regional Administrator.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

#### Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(99) to read as follows:

#### § 52.1320 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(99) Revisions to the ozone attainment plan were submitted by the Governor on February 1, 1996.

(i) Incorporation by reference.

(A) Missouri Rule 10 CSR 10–2.260, “Control of Petroleum Liquid Storage, Loading, and Transfer,” effective December 30, 1995.

(B) Missouri Rule 10 CSR 10–5.220, “Control of Petroleum Liquid Storage, Loading, and Transfer,” effective December 30, 1995.

[FR Doc. 97–22064 Filed 8–19–97; 8:45 am]

BILLING CODE 6560–50–F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Part 488

[HSQ–156–CN]

RIN 0938–

#### Medicare and Medicaid Programs; Survey, Certification and Enforcement of Skilled Nursing Facilities and Nursing Facilities

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Correcting amendment.

**SUMMARY:** In the November 10, 1994 issue of the **Federal Register** (FR Doc. 94–27703) (59 FR 56116), we established rules for survey of skilled nursing facilities that participate in the Medicare program, and nursing facilities that participate in the Medicaid program. We also established remedies that we impose on facilities that do not comply with Federal participation requirements, as alternatives to program termination. This amendment corrects an error in that document.

**EFFECTIVE DATE:** July 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Kathy Lochary, (410) 786–6770.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 10, 1994, we published in the **Federal Register**, at 59 FR 56116, a final rule that established significant revisions to the process we use to survey skilled nursing facilities that participate in the Medicare program, and nursing facilities that participate in the Medicaid program. The rule also established, as alternatives to, or in addition to, termination, remedies that we impose on facilities that do not comply with the Federal participation requirements.

On September 28, 1995, we published in the **Federal Register**, at 60 FR 50115, a correction notice that made many corrections to the final rule. One of those corrections was to § 488.434(a)(1).

#### Need for Additional Correction

Sections 488.434(a)(1) and 488.436(a) both refer to a HCFA civil money penalty written notice. When we corrected an inadvertent error in terminology in § 488.434(a)(1), we failed to make a corresponding change in terminology in § 488.436(a). We are now making that correction to § 488.436(a) by removing the words “of intent to impose” from the phrase “notice of intent to impose the civil money

penalty” and adding the word “imposing” to the phrase. Therefore, the phrase “notice of intent to impose the civil money penalty” is corrected to read “notice imposing the civil money penalty.”

#### List of Subjects in 42 CFR Part 488

Health facilities, Medicare, Reporting and recordkeeping requirements.

Accordingly, 42 CFR Part 488 is corrected by making the following correcting amendment:

#### PART 488—SURVEY, CERTIFICATION, AND ENFORCEMENT PROCEDURES

1. The authority citation for part 488 continues to read as follows:

**Authority:** Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1895hh).

#### § 488.436 [Corrected]

2. In § 488.436 paragraph (a), the phrase “notice of intent to impose the civil money penalty” is corrected to read “notice imposing the civil money penalty”.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: August 11, 1997.

**Neil J. Stillman,**

*Deputy Assistant Secretary for Information Resources Management.*

[FR Doc. 97–22036 Filed 8–19–97; 8:45 am]

BILLING CODE 4120–01–M

## DEPARTMENT OF DEFENSE

### 48 CFR Parts 204 and 253

[DFARS Case 97–D013]

#### Defense Federal Acquisition Regulation Supplement; Contract Action Reporting

**AGENCY:** Department of Defense (DOD).  
**ACTION:** Final rule.

**SUMMARY:** The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise DD Form 350 and DD Form 1057 contract action reporting requirements for compliance with the Clinger-Cohen Act of 1996 and for enhancement of data collection procedures.

**EFFECTIVE DATE:** October 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Ms. Melissa Rider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

Telephone (703) 602-0131; telefax (703) 602-0350.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This final rule amends the internal DoD contract data reporting system to enable reporting of data required by the Clinger-Cohen Act of 1996 (Public Law 104-106) and to enhance data collection procedures. The rule improves reporting instructions pertaining to contingency operations, cost or pricing data requirements, and blanket purchase agreements; and adds reporting instructions pertaining to the use of simplified acquisition procedures for certain commercial items pursuant to FAR Subpart 13.6, and the award of contracts in support of Phase III of the Small Business Innovation Research Program.

##### B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 97-D013 in correspondence.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any reporting or recordkeeping requirements that require Office of Management and Budget approval under 44 U.S.C. 3501, et seq.

##### List of Subjects in 48 CFR Parts 204 and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 204 and 253 are amended as follows:

1. The authority citation for 48 CFR Parts 204 and 253 continues to read as follows.

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

##### PART 204—ADMINISTRATIVE MATTERS

2. Section 204.670-2 is amended by revising paragraph (c) to read as follows:

##### 204.670-2 Reportable contracting actions.

(c) Summarize on the monthly DD Form 1057, in accordance with the instructions in 253.204-71(a)(3), contracting actions that support a

contingency operation (see 213.000) and that obligate or deobligate funds exceeding \$25,000 but not exceeding \$200,000.

\* \* \* \* \*

##### PART 253—FORMS

3. Section 253.204-70 is amended by revising paragraphs (b)(10)(i), (b)(13)(i)(C), (b)(13)(i)(G), (c)(2), (c)(4)(xi), (d)(5)(vii)(A), and (e)(4); and adding paragraphs (b)(14), (d)(5)(vii)(D), and (e)(5) to read as follows:

##### 253.204-70 DD Form 350, Individual Contracting Action Report.

\* \* \* \* \*

(b) \* \* \*

(10) \* \* \*

(i) *Code Y—Yes.* Enter code Y when the contracting action is a multiyear contract as defined at FAR 17.103. Do not report contracts containing options as multiyear unless the definition at FAR 17.103 applies to the contract.

\* \* \* \* \*

(13) \* \* \*

(i) \* \* \*

(C) *Code 4—Order under an Agreement.* Enter code 4 when the contracting action is an order or definitization of an order under an agreement other than a blanket purchase agreement. Examples include an order exceeding \$25,000 under a basic ordering agreement or a master ship repair agreement and a job order when the contract is created by issuing the order. A call under a blanket purchase agreement associated with a Federal Supply Schedule, pursuant to FAR 13.202(c)(3), is coded 6. A call under other blanket purchase agreements, pursuant to FAR subpart 13.2, is coded 9. When the contracting action is a modification to an order described in code 4 instructions, enter code 4 in B13A.

\* \* \* \* \*

(G) *Code 9—Purchase Order/Call.*

Enter code 9 if the contracting action, including an action in a designated industry group under the Small Business Competitiveness Demonstration Program (FAR subpart 19.10), is an award pursuant to FAR part 13, except when the contracting action is a blanket purchase agreement call pursuant to FAR 13.202(c)(3) (see code 6). When the contracting action is a modification to a purchase order/call described in code 9 instructions, enter code 9 in B13A.

\* \* \* \* \*

(14) **BLOCK B14, CICA APPLICABILITY.** Enter one of the following codes;

(i) *Code A—Pre-CICA.* Enter code A if the action resulted from a solicitation issued before April 1, 1985.

Modifications within the original scope of work of such awards and orders under pre-CICA indefinite delivery type contracts are reported as pre-CICA. In case of modifications issued on or after April 1, 1985, coded A in B13 or B13D, as appropriate, CICA is applicable to the modification, and these actions shall be coded B in Block B14.

(ii) *Code B—CICA Applicable.* Enter code B if the action resulted from a solicitation issued on or after April 1, 1985, and none of the following codes applies.

(iii) *Code C—Simplified Acquisition Procedures Other than FAR subpart 13.6.* Enter code C if the action resulted from use of the procedures in FAR part 13, other than those in subpart 13.6.

(iv) *Code D—Simplified Procedures Pursuant to FAR subpart 13.6.* Enter code D if the action resulted from use of the procedures in FAR subpart 13.6.

(c) \* \* \*

(2) Do not complete Part C if the contracting action is an action with a government agency, i.e., Block B5B (Government Agency) is coded Y (Yes). If Block B13A is coded 6, do not complete any blocks in Part C except Block C3, and Blocks C13A and C13B when they apply.

\* \* \* \* \*

(4) \* \* \*

(xi) **BLOCK C11, CERTIFIED COST OR PRICING DATA.** Enter one of the following codes when Block B1B is coded A. Otherwise, leave blank.

(A) *Code Y—Yes—Obtained.* Enter code Y when cost or pricing data were obtained (see FAR 15.804-2) and certified in accordance with FAR 15.804-4.

(B) *Code N—No—Not Obtained.* Enter code N when neither code Y nor code W applies.

(C) *Code W—Not Obtained—Waived.* Enter code W when cost or pricing data were not obtained because the requirement was waived (see FAR 15.804-1(a)(3) and 215.804-1(b)(4)).

\* \* \* \* \*

(d) \* \* \*

(5) \* \* \*

\* \* \* \* \*

(vii) \* \* \*

(A) *Code A—Not a SBIR Program Phase I/II/III.* Enter Code A if the action is not in support of a Phase I, II, or III SBIR program.

\* \* \* \* \*

(D) *Code D—SBIR Program Phase III Action.* Enter code D if the action is

related to a Phase III contract in support of the SBIR Program.

\* \* \* \* \*

(e) \* \* \*

(4) Block E4—CONTINGENCY OPERATION. Enter code Y in Block E4 if the contracting action is in support of a contingency operation, as defined in 213.101, and the action exceeds the simplified acquisition threshold for contingency operations (see 213.000). Otherwise, leave Block E4 blank.

(5) BLOCK E5—BLOCK E8—RESERVED.

\* \* \* \* \*

4. Section 253.204–71 is amended by revising paragraph (a)(3) to read as follows:

**253.204–71 DD Form 1057, Monthly Contracting Summary of Actions \$25,000 or Less.**

(a) \* \* \*

(3) Report actions of \$25,000 or less in support of a contingency operation in accordance with the instructions in paragraphs (c) through (j) of this subsection. Report actions exceeding \$25,000 but not exceeding \$200,000 in support of a contingency operation (see 213.000) on the monthly DD Form 1057 as follows:

(i) Section B; the applicable lines are 5, 5a, 7, and 7a.

(ii) Section C; the applicable lines are 1 and 1c, 2 and 2c, and 3 and 3c.

(iii) Sections D, E, and F, are not applicable.

(iv) Section G; complete fully.

\* \* \* \* \*

[FR Doc. 97–21888 Filed 8–19–97; 8:45 am]

BILLING CODE 5000–04–M

## DEPARTMENT OF DEFENSE

### 48 CFR Parts 211, 242, and 252

[DFARS Case 97–D014]

#### Defense Federal Acquisition Regulation Supplement; Single Process Initiative

**AGENCY:** Department of Defense (DoD).

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to facilitate the use of management or manufacturing processes that have been accepted by DoD under the Single Process Initiative (SPI) for use in lieu of military or Federal specifications and standards.

**DATES:** Effective date: August 20, 1997.

**Comment Date:** Comments on the interim rule should be submitted in writing to the address shown below on or before October 20, 1997, to be considered in the formulation of the final rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulations Council, *Attn:* Mr. Rick Layser, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. *Telefax number:* (703) 602–0350. Please cite DFARS Case 97–D014 in all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Mr. Rick Layser, (703) 602–0131.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This interim rule adds a new section at DFARS 211.273 and a new contract clause at DFARS 252.211–7005 to encourage offerors to propose the use of SPI processes in lieu of military or Federal specifications and standards cited in DoD solicitations; and establishes that, in procurements of previously developed items, SPI processes shall be considered valid replacements for military or Federal specifications and standards, absent a specific determination to the contrary.

##### B. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. The interim rule amends the DFARS to implement the policy set forth in a memorandum issued by the Under Secretary of Defense (Acquisition and Technology) on April 30, 1997, with regard to SPI and new contracts. This interim rule is necessary to permit the Government and industry to realize, as soon as possible, the significant cost savings anticipated from allowing contractors to use previously accepted facilitywide management and manufacturing processes in lieu of military or Federal specifications and standards. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

##### C. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because it is estimated that, of the 180 contractors presently participating in

SPI, less than 5 percent are small businesses. An Initial Regulatory Flexibility Analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97–D014 in correspondence.

##### D. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501, et seq.) applies because the interim rule contains a new information collection requirement. Under the emergency processing provisions of 44 U.S.C. 3507(j) as implemented at 5 CFR 1320.13, the Office of Management and Budget (OMB) has granted emergency approval of the information collection requirement through December 31, 1997, under OMB Control Number 0704–0398. The OMB approval required under 44 U.S.C. 3507(a)(2) will be obtained prior to publication of the final rule.

##### Comments

Comments are invited. In particular, comments are solicited on:

a. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

b. The accuracy of the agency's estimate of the burden of the collection of information;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of the collection of information on respondents, including use of appropriate automated collection techniques or other forms of information technology.

##### Title, Associated Form, OMB Control Number

DFARS Section 211.273, Substitutions for Military or Federal Specifications and Standards, and related clause at 252.211–7005, Substitutions for Military or Federal Specifications and Standards; OMB Control Number 0704–0398.

##### Needs and Uses

The information collection permits offerors to propose SPI processes in lieu of military or Federal specifications and standards cited in DoD solicitations for previously developed items. The information will be used by the Government to identify and verify Government acceptance of an SPI