

- (b) \* \* \*
- (4) \* \* \*
- (iii) \* \* \*

(B) In a case described in paragraph (b)(4)(iii)(A) of this section, reimbursement will be reduced, unless such reduction is waived based on special circumstances. The amount of this reduction shall be at least ten percent of the amount otherwise allowable for services for which preauthorization (including preauthorization for continued stays in connection with concurrent review requirements) approval should have been obtained, but was not obtained.

\* \* \* \* \*

- (c) \* \* \*

(2) The physician acknowledgment required for Medicare under 42 CFR 412.46 is also required for CHAMPUS as a condition for payment and may be satisfied by the same statement as required for Medicare, with substitution or addition of "CHAMPUS" when the word "Medicare" is used.

\* \* \* \* \*

- (d) \* \* \*

- (2) \* \* \*

(iii) Review for physician's acknowledgment of annual receipt of the penalty statement as contained in the Medicare regulation at 42 CFR 412.46.

\* \* \* \* \*

- (e) \* \* \*

- (3) \* \* \*

(i) If the diagnostic and procedural information in the patient's medical record is found to be inconsistent with the hospital's coding or DRG assignment, the hospital's coding on the CHAMPUS claim will be appropriately changed and payments recalculated on the basis of the appropriate DRG assignment.

(ii) If the information stipulated under paragraph (d)(2) of this section is found not to be correct, the PRO will change the coding and assign the appropriate DRG on the basis of the changed coding.

\* \* \* \* \*

Dated: November 7, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 60 and 63

[FRL-5921-1]

#### Hazardous Waste Combustors; Continuous Emissions Monitoring Systems; Proposed Rule—Notice of Data Availability

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of data availability.

**SUMMARY:** This announcement is a notice of advanced availability of a test report pertaining to the proposed requirement for Particulate Matter (PM) Continuous Emissions Monitoring Systems (CEMS) for hazardous waste combustors: "Draft Particulate Matter Continuous Emissions Monitoring Systems Demonstration", dated October 1997. The report documents PM CEMS demonstration tests conducted between September 1996 and May 1997 at the DuPont, Inc. Experimental Station On-Site Incinerator, in Wilmington, Delaware. Included in the report are the testing scheme, raw data, and discussion of results. Appendices to the report include: Method 5I—Determination of Low Level Particulate Matter Emissions from Stationary Sources; Revised Draft Performance Specification 11—Specifications and Test Procedures for PM CEMS in Stationary Sources; and Appendix F to 40 CFR Part 60, Quality Assurance Requirements for PM CEMS used for Compliance Determination.

**FOR FURTHER INFORMATION CONTACT:** To obtain the October 1997, Draft PM CEMS Demonstration test report, call the RCRA Hotline at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). The RCRA Hotline is open Monday-Friday, 9:00 a.m. to 6:00 p.m., Eastern Time.

**SUPPLEMENTARY INFORMATION:** On April 19, 1996, EPA proposed the Revised Standards for Hazardous Waste Combustors (i.e., incinerators, cement and lightweight aggregate kilns that burn hazardous waste). The revised standards would limit emissions of PM at these facilities and address the application of PM CEMS for compliance monitoring. See 61 FR 17358. On March 21, 1997, EPA published a Notice of Data Availability (NODA) that further examined the issues concerning PM CEMS as compliance instruments. See 62 FR 13776. EPA published an

additional NODA on May 2, 1997, to inform the public of: (1) Significant changes the Agency is considering on aspects of the proposal based on public comments and new information; and (2) the Agency's own re-evaluation of MACT standard-setting approaches based on new data and public comments.

The proposed rule would require that PM CEMS be used to document compliance with the proposed PM standards. To be effective for compliance monitoring, the Agency determined that commercially available PM CEMS must meet certain performance specifications. The results of the demonstration tests assist in the development of these PM CEMS performance specifications.

EPA plans to follow today's NODA with a second NODA which will discuss issues pertaining to the demonstration test report and PM CEMS implementation considerations. The second NODA will provide the opportunity to comment on the report and the issues.

Dated: November 5, 1997.

**David Bussard,**

*Acting Director, Office of Solid Waste.*

[FR Doc. 97-30019 Filed 11-13-97; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 76

[CS Docket No. 95-184; MM Docket No. 92-260; FCC 97-376]

#### Inside Wiring

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has adopted a *Report and Order and Second Further Notice of Proposed Rulemaking* which addresses rules and policies concerning cable inside wiring. The *Report and Order* segment of this decision may be found elsewhere in this issue of the Federal Register. The *Second Further Notice of Proposed Rulemaking* ("Second Further Notice") segment seeks comment on proposed amendments to the Commission's regulations relating to exclusive service contracts, application of cable inside wiring rules to all multichannel video programming distributors ("MVPDs"), signal leakage reporting requirements, and simultaneous use of home run wiring. This action was necessary because exclusive service contracts and