Debenture, or the face amount of the Participating Security plus Earned Prioritized Payments, as the case may be, to the short-term investor.

(B) *Debentures.* An SBA guaranteed Debenture shall be sold to a short-term investor at a discount calculated with reference to a rate determined by the Secretary of the Treasury in accordance with Section 303(b) of the Act (but without regard to any interest subsidy to which the Licensee may be otherwise entitled), as if the maturity date of the Debenture were the next scheduled date for the sale of pool certificates: *Provided, however,* That if the actual sale of pool certificates shall take place after the scheduled date, the Licensee shall pay to the short-term investor, on the actual sale date, an additional sum equal to daily interest as scheduled on the Debenture, at the same rate, from the scheduled sale date to the actual sale date. Failure to make such interest payment on the closing date shall constitute an event giving rise to a condition affecting the Licensee's good standing.

(C) *Participating securities.* The Licensee's Participating Security shall be sold to a short-term investor for a sum equal to the face amount thereof. The Licensee shall undertake, with SBA's guarantee, to pay the short-term investor, at the closing of the next scheduled sale of pool certificates, Prioritized Payments as scheduled on the Security at a rate determined by the Secretary of the Treasury in accordance with Section 303(b) of the Act, as if the maturity date of the Participating Security were the next scheduled date for the sale pool certificates.

Dated: September 15, 1994.

Erskine B. Bowles,

Administrator.

[FR Doc. 94-23338 Filed 9-21-94; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-121-AD; Amendment 39-9030; AD 94-20-02]

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Airbus Model A320 series airplanes. This action requires revising the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to instruct the flight crew to maintain a flap setting of configuration full (CONF FULL) during landing. This amendment is prompted by a report of severe control difficulties which occurred on approach with the flaps locked in CONF FULL and the landing gear down. The actions specified in this AD are intended to prevent severely reduced controllability of the airplane during approach.

DATES: Effective October 7, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 7, 1994.

Comments for inclusion in the Rules Docket must be received on or before November 21, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-121-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The Airplane Flight Manual information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: Recently, the FAA received a report that a Model A320 series airplane experienced severe control difficulties on approach with the flaps locked in configuration full (CONF FULL) and the landing gear down. In this incident, the Electronic Centralized Aircraft Monitor (ECAM) system directed the flight crew to select configuration (CONF) 3 for landing. When the flight crew placed the slats/flaps lever in CONF 3, the slats retracted from 27 degrees to 22 degrees, but the flaps remained locked in the full position (40 degrees). Consequently, the flight crew engaged the autopilot, which resulted in the lateral control laws responding to the corresponding CONF 3. In turbulent conditions, this configuration may lead to serious lateral oscillation with the autopilot engaged or to an increase of the lateral sensitivity in manual control. This condition, if not corrected, could result in severely reduced controllability of the airplane during approach.

Airbus has issued A320/A321 Flight Manual Temporary Revision 9.99.99/20, dated June 14, 1994, which provides the flight crew with modified procedures for flaps fault/locked condition. These modified procedures instruct the flight crew to maintain CONF FULL during landing approaches.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has kept the FAA informed of the situation described above. The FAA has examined the findings, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent severely reduced controllability of the airplane during approach. The FAA has determined that this unsafe condition may be temporarily addressed by revising the Limitations Section of the Airplane Flight Manual (AFM) to advise the flight crew to maintain CONF FULL during landing approaches. This AFM revision is to be accomplished in accordance with the information specified in the Airbus document described previously.

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider further rulemaking.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94–NM–121–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

94–20–02 Airbus Industrie: Amendment 39–9030. Docket 94–NM–121–AD.

Applicability: All Model A320 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent severely reduced controllability of the airplane during approach under certain conditions, accomplish the following:

(a) Within 10 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the information specified in Airbus A320/A321 Flight Manual Temporary Revision 9.99.99/20, dated June 14, 1994.

Note 1: This may be accomplished by inserting a copy of Airbus A320/A321 Flight Manual Temporary Revision 9.99.99/20, dated June 14, 1994, in the AFM. When this temporary revision has been incorporated in the general revisions of the AFM, the general revisions may be inserted in the AFM, provided the information contained in the general revisions is identical to that specified in Temporary Revision 9.99.99/20.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The revision to the AFM shall be done in accordance with Airbus A320/A321 Flight Manual Temporary Revision 9.99.99/20, dated June 14, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on October 7, 1994.

Issued in Renton, Washington, on September 15, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–23325 Filed 9–21–94; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 93–ANE–41; Amendment 39–8907; AD 94–09–18]

Airworthiness Directives; General Electric Company CF6 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction

SUMMARY: This document makes a correction to Airworthiness Directive (AD) 94–09–18 applicable to General Electric Company (GE) CF6–6/–45/–50 series turbofan engines that was published in the **Federal Register** on May 5, 1994 (59 FR 23139). One phrase in the compliance section is incorrect and needs to be deleted; an additional description later in the compliance section needs to be added. This document corrects both errors. In all other respects, the original document remains the same.

EFFECTIVE DATE: June 6, 1994.

FOR FURTHER INFORMATION CONTACT: Robert J. Ganley, telephone (617) 238–7138.

SUPPLEMENTARY INFORMATION: A final rule airworthiness directive applicable to General Electric Company (GE) CF6–6/–45/–50 series turbofan engines, was published in the **Federal Register** on

May 5, 1994 (59 FR 23139). The following corrections are needed:

On page 23141, in the left column, in paragraph (a)(5)(ii), in the fifth line, the phrase "prior to accumulating 4,500 CSN," should be deleted.

On page 23141, starting in the center column, in paragraph (b)(5), in the seventh and eighth line, the words "and inner" should be added after the word "rim" to read, "ECI the rim and inner bolt holes".

Issued in Burlington, MA, on September 12, 1994.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 94–23440 Filed 9–21–94; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 155

Defense Industrial Personnel Security Clearance Review Program

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule; amendment.

SUMMARY: On February 14, 1992, the Department of Defense published a final rule in the Federal Register (57 FR 5383). This document is published as an administrative amendment for clarity.

EFFECTIVE DATE: September 22, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. Leon Schachter, telephone (703) 696–4598.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 155

Administrative practice and procedure, Business and industry, Classified information.

Accordingly, 32 CFR Part 155 is amended as follows:

PART 155—[AMENDED]

1. The authority citation for part 155 is revised to read as follows:

Authority: E.O. 10865, 3 CFR 1959–1963 Comp., p. 398, as amended by E.O. 10909, 3 CFR 1959–1963 Comp., p. 437; E.O. 11382, 3 CFR 1966–1970 Comp., p. 690; and E.O. 12829, 3 CFR 1993 Comp., p. 570.

§ 155.1 [Amended]

2. Section 155.1 is amended by adding ", as amended" after "E.O. 10865".

§ 155.4 [Amended]

3. Section 155.4 is amended in paragraph (c) introductory text by adding ", as amended," after "E.O. 10865".

Appendix A to Part 155—[Amended]

4. Appendix A to Part 155 is amended in section 20 by adding ", as amended" after "E.O. 10865".

Dated: September 16, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–23385 Filed 9–21–94; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900–AG55

Loan Guaranty: Increase in Attorney Fees

AGENCY: Department of Veterans Affairs.

ACTION: Final Regulatory Amendments.

SUMMARY: The Department of Veterans Affairs (VA) is amending its loan guaranty regulations to increase from $700 to $850 the maximum allowable amount VA will reimburse a loan holder for the cost of trustee's fees and legal services incurred by the holder in liquidating a loan guaranteed by VA. Increasing the maximum allowable amount will make it easier for holders to retain experience legal counsel to perform required foreclosures in a timely manner.

EFFECTIVE DATE: October 24, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard Levy, Assistant Director for Loan Management (261), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 233–3668.

SUPPLEMENTARY INFORMATION: On September 22, 1993, VA published in the Federal Register (58 FR 49253) proposed regulations on increasing the maximum allowable amount VA will reimburse a loan holder for the cost of trustee's fees and legal services. Five comments were received on the proposed amendments. Four commenters approved of the change. One commenter stated that increasing the maximum allowable amount will not make it easier to retain experienced counsel in areas where the local VA offices do not choose to reimburse attorneys the maximum allowable amount. This commenter further suggested that the local offices be required to raise the amount they reimburse attorneys to the maximum allowable amount.

The regulations are adopted as originally proposed. The suggestion that regional offices be required to pay the maximum allowable amount when they reimburse attorneys has not been adopted. We believe that local VA offices have the experience and knowledge necessary to determine the appropriate level of attorney and trustee fees for foreclosure processing in their various areas of jurisdiction.

The Secretary hereby certifies that the final regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Increasing the amount VA will reimburse holders for trustee's fees and legal services will make it easier for holders to retain experienced legal counsel to perform required foreclosures.

The Catalog of Federal Domestic Assistance Program number are 64.114 and 64.119.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing Loan program—housing and community development, Manufactured homes, Veterans.

This amendment is made final under the authority granted the Secretary by section 501(a) of title 38, United States Code.

Approved: July 22, 1994.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 36, is amended as set forth below.

PART 36—LOAN GUARANTY

1. The authority citation for part 36 §§ 36.4201 through 36.4287 continues to read as follows:

Authority: Section 36.4201 through 36.4287 issued under 38 U.S.C. 501(a), 3712.

2. In section 36.4276 the undesignated text at the end of paragraph (b) is removed and paragraph (b)(5) is revised to read as follows:

§ 36.4276 Advances and other charges.

* * * * *

(b) * * *

(5) Reasonable amount for legal services actually performed not to exceed 10 percent of the unpaid indebtedness as of the date of the first uncured default, or $850 whichever is less. In no event may the combined total of the amounts claimed for trustee's fees

and legal services (paragraphs (b)(4) and (5) of this section) exceed $850.

* * * * *

3. The authority citation for part 36, sections 36.4300 through 36.4375 continues to read as follows:

Authority: Sections 36.4300 through 36.4375 issued under 38 U.S.C. 501(a).

4. In section 36.4313 the undesignated text at the end of paragraph (b) is removed and paragraph (b)(5) is revised to read as follows:

§ 36.4313 Advances and other charges.

* * * * *

(b) * * *

(5) Reasonable amount for legal services actually performed not to exceed 10 percent of the unpaid indebtedness as of the date of the first uncured default, or $850 whichever is less. In no event may the combined total of the amounts claimed for trustee's fees and legal services (paragraphs (b)(4) and (5) of this section) exceed $850.

* * * * *

[FR Doc. 94–23212 Filed 9–21–94; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

42 CFR Part 1003

RIN 0991–AA44

Medicare and State Health Care Programs: Fraud and Abuse, Civil Money Penalties and Intermediate Sanctions for Certain Violations by Health Maintenance Organizations and Competitive Medical Plans

AGENCY: Office of Inspector General (OIG), HHS

ACTION: Correction to final regulations.

SUMMARY: This document corrects technical errors that appeared in 42 CFR part 1003 of the final rule published in the **Federal Register** on July 15, 1994 (59 FR 36072). Specifically, the final rule set forth the Secretary's authority to impose sanctions and civil money penalties on health maintenance organizations, competitive medical plans and other prepaid health plans contracting under Medicare and Medicaid. This correction notice sets forth the corrected text for §§ 1003.100, 1003.103 and 1003.106, some of which was inadvertently omitted or amended.

EFFECTIVE DATE: September 22, 1994.

FOR FURTHER INFORMATION CONTACT: Joel J. Schaer, (202) 619–0089

SUPPLEMENTARY INFORMATION:

Background

On July 15, 1994, we published a final rule implementing sections 9312(c)(2), 9312(f) and 9434(b) of Public Law 99–509, section 7 of Public Law 100–93, section 4014 of Public Law 100–203, sections 224 and 411(k) of Public Law 100–360, and section 6411(d)(3) of Public Law 101–239. These provisions broadened the Secretary's authority to impose intermediate sanctions and civil money penalties on health maintenance organizations (HMOs), competitive medical plans and other prepaid health plans contracting under Medicare or Medicaid that (1) substantially fail to provide an enrolled individual with required medically necessary items and services; (2) engage in certain marketing, enrollment, reporting or claims payment abuses; or (3) in the case of Medicare risk-contracting plans, employ or contract with, either directly or indirectly, an individual or entity excluded from participation in Medicare.

Need for Correction

As published, portions of the final regulations addressing §§ 1003.100, 1003.103 and 1003.106 contained technical errors that inadvertently amended and omitted existing regulations text.

Correction of Publication

Accordingly, the final regulations published on July 15, 1994 (59 FR 36072) amending §§ 1003.100, 1003.103 and 1003.106 are corrected as follows:

PART 1003—CIVIL MONEY PENALTIES AND ASSESSMENTS

A. On page 36085, in the third column, instruction paragraph 1. and the authority citation following it are corrected to read as follows:

1. The authority citation for part 1003 is revised to read as follows:

Authority: 42 U.S.C. 1302, 1320a–7,1320a–7a, 1320b–10, 1395u(j), 1395u(k), 1395dd(d)(1), 1395mm, 1395ss(d), 1396b(m), 11131(c) and 11137(b)(2).

B. Beginning on page 36085, in the third column, instruction paragraph 2. and the text of § 1003.100 on page 36086 in the first column are corrected to read as follows:

2. Section 1003.100 is amended by revising paragraph (a); republishing paragraph (b) introductory text and paragraph (b)(1) introductory text; revising paragraphs (b)(1)(v) and (b)(1)(vi); and adding a new paragraph (b)(1)(vii) to read as follows:

§ 1003.100 Basis and purpose.

(a) *Basis.* This part implements sections 1128, 1128(c), 1128A, 1140, 1842(j), 1842(k), 1876(i)(6), 1882(d), and 1903(m)(5) of the Social Security Act, and sections 421(c) and 427(b)(2) of Public Law 99–660 (42 U.S.C. 1320a–7, 1320a–7a, 1320a–7(c), 1320b–10, 1395mm, 1395ss(d), 1395u(j), 1395u(k), 1396b(m), 11131(c) and 11137(b)(2)).

(b) *Purpose.* This part—

(1) Provides for the imposition of money penalties and, as applicable, assessments against persons who—

* * * * *

(v) Misuse certain Medicare and Social Security program words, letters, symbols and emblems;

(vi) Violate a requirement of section 1867 of the Act or § 489.24 of this title; or

(vii) Substantially fail to provide an enrollee with required medically necessary items and services, or engage in certain marketing, enrollment, reporting, claims payment, employment or contracting abuses.

* * * * *

C. On page 36086, in the second column, instruction paragraph 5. and the text of § 1003.103 in the second and third columns are corrected to read as follows:

5. Section 1003.103 is amended by revising paragraph (a) and by adding a new paragraph (f) to read as follows:

§ 1003.103 Amount of penalty.

(a) Except as provided in paragraphs (b) through (f) of this section, the OIG may impose a penalty of not more than $2,000 for each item or service that is subject to a determination under § 1003.102.

* * * * *

(f)(1) The OIG may, in addition to or in lieu of other remedies available under law, impose a penalty of up to $25,000 for each determination by HCFA that a contracting organization has—

(i) Failed substantially to provide an enrollee with required medically necessary items and services and the failure adversely affects (or has the likelihood of adversely affecting) the enrollee;

(ii) Imposed premiums on enrollees in excess of amounts permitted under section 1876 or title XIX of the Act;

(iii) Acted to expel or to refuse to re-enroll a Medicare beneficiary in violation of the provisions of section 1876 of the Act and for reasons other than the beneficiary's health status or requirements for health care services;

(iv) Misrepresented or falsified information furnished to an individual or any other entity under section 1876 or section 1903(m) of the Act; or

(v) Failed to comply with the requirements of section 1876(g)(6)(A) of the Act regarding prompt payment of claims.

(2) The OIG may, in addition to or in lieu of other remedies available under law, impose a penalty of up to $25,000 for each determination by HCFA that a contracting organization with a contract under section 1876 of the Act—

(i) Employs or contracts with individuals or entities excluded, under section 1128 or section 1128A of the Act, from participation in Medicare for the provision of health care, utilization review, medical social work, or administrative services; or

(ii) Employs or contracts with any entity for the provision of services (directly or indirectly) through an excluded individual or entity.

(3) The OIG may, in addition to or in lieu of other remedies available under law, impose a penalty of up to $100,000 for each determination that a contracting organization has—

(i) Misrepresented or falsified information to the Secretary under section 1876 of the Act or to the State under section 1903(m) of the Act; or

(ii) Acted to expel or to refuse to re-enroll a Medicaid recipient because of the individual's health status or requirements for health care services, or engaged in any practice that would reasonably be expected to have the effect of denying or discouraging enrollment (except as permitted by section 1876 or section 1903(m) of the Act) with the contracting organization by Medicare beneficiaries and Medicaid recipients whose medical condition or history indicates a need for substantial future medical services.

(4) If enrolles are charged more than the allowable premium, the OIG will impose an additional penalty equal to double the amount of excess premium charged by the contracting organization. The excess premium amount will be deducted from the penalty and returned to the enrollee.

(5) The OIG will impose an additional $15,000 penalty for each individual not enrolled when HCFA determines that a contracting organization has committed a violation described in paragraph (f)(3)(ii) of this section.

(6) For purposes of paragraph (f) of this section, a violation is each incident where a person has committed an act listed in § 417.500(a) or § 434.67(a) of this title, or failed to comply with a requirement set forth in § 434.80(c) of this title.

D. Beginning on page 36086, in the third column, instruction paragraph 6. and the text of § 1003.106 on page 36087 are corrected to read as follows:

6. Section 1003.106 is amended by adding a new paragraph (a)(5); redesignating paragraph (d) as paragraph (e) and republishing it; and adding a new paragraph (d) to read as follows:

§ 1003.106 Determinations regarding the amount of the penalty and assessment.

(a) *Amount of penalty.* * * *

(5) In determining the appropriate amount of any penalty in accordance with § 1003.103(f), the OIG will consider as appropriate—

(i) The nature and scope of the required medically necessary item or service not provided and the circumstances under which it was not provided;

(ii) The degree of culpability of the contracting organization;

(iii) The seriousness of the adverse effect that resulted or could have resulted from the failure to provide required medically necessary care;

(iv) The harm which resulted or could have resulted from the provision of care by a person that the contracting organization is expressly prohibited, under section 1876(i)(6) or section 1903(p)(2) of the Act, from contracting with or employing;

(v) The harm which resulted or could have resulted from the contracting organization's expulsion or refusal to re-enroll a Medicare beneficiary or Medicaid recipient;

(vi) The nature of the misrepresentation or fallacious information furnished by the contracting organization to the Secretary, State, enrollee or other entity under section 1876 or section 1903(m) of the Act;

(vii) The history of prior offenses by the contracting organization or principals of the contracting organization, including whether, at any time prior to determination of the current violation or violations, the contracting organization or any of its principals were convicted of a criminal charge or were held liable for civil or administrative sanctions in connection with a program covered by this part or any other public or private program of payment for medical services; and

(viii) Such other matters as justice may require.

* * * * *

(d) In considering the factors listed in paragraph (a)(5) of this section, for violations subject to a determination under § 1003.103(f), the following circumstances are to be considered, as appropriate, in determining the amount of any penalty—

(1) Nature and circumstances of the incident.

(i) It would be considered a mitigating circumstance if, where more than one violation exists, the appropriate items or services not provided were—

(A) Few in number, or

(B) Of the same type and occurred within a short period of time.

(ii) It would be considered an aggravating circumstance if such items or services were of several types and occurred over a lengthy period of time, or if there were many such items or services (or the nature and circumstances indicate a pattern of such items or services not being provided).

(2) Degree of culpability. It would be considered a mitigating circumstance if the violation was the result of an unintentional, unrecognized error, and corrective action was taken promptly after discovery of the error.

(3) Failure to provide required care. It would be considered an aggravating circumstance if the failure to provide required care was attributable to an individual or entity that the contracting organization is expressly prohibited by law from contracting with or employing.

(4) Use of excluded individuals. It would be considered an aggravating factor if the contracting organization knowingly or routinely engages in the prohibited practice of contracting or employing, either directly or indirectly, individuals or entities excluded from the Medicare program under section 1128 or section 1128A of the Act.

(5) Routine practices. It would be considered an aggravating factor if the contracting organization knowingly or routinely engages in any discriminatory or other prohibited practice which has the effect of denying or discouraging enrollment by individuals whose medical condition or history indicates a need for substantial future medical services.

(6) Prior offenses. It would be considered an aggravating circumstance if at any time prior to determination of the current violation or violations, the contracting organization or any of its principals was convicted on criminal charges or held liable for civil or administrative sanctions in connection with a program covered by this part or any other public or private program of payment for medical services. The lack of prior liability for criminal, civil, or administrative sanctions by the contracting organization, or the principals of the contracting organization, would not necessarily be considered a mitigating circumstance in determining civil money penalty amounts.

(e) (1) The standards set forth in this section are binding, except to the extent that their application would result in imposition of an amount that would exceed limits imposed by the United States Constitution.

(2) The amount imposed will not be less than the approximate amount required to fully compensate the United States, or any State, for its damages and costs, tangible and intangible, including but not limited to the costs attributable to the investigation, prosecution, and administrative review of the case.

(3) Nothing in this section will limit the authority of the Department to settle any issue or case as provided by § 1003.126, or to compromise any penalty and assessment as provided by § 1003.128.

Dated: September 13, 1994.

June Gibbs Brown,

Inspector General.

[FR Doc. 94-23415 Filed 9-21-94; 8:45 am]

BILLING CODE 4150-04-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7086

[WY-930-4210-06; WYW-84553]

Public Land Order No. 7039, Correction; Partial Revocation of Executive Order No. 5327, as Modified, and Public Land Order No. 4522; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will correct an error in the land description of Public Land Order No. 7039.

EFFECTIVE DATE: September 22, 1994.

FOR FURTHER INFORMATION CONTACT: Duane Feick, BLM Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307-775-6127.

By virtue of the authority vested in the Secretary of the Interior by Section 204(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

The land description in Public Land Order No. 7039, 59 FR 19641, April 25, 1994, is hereby corrected as follows:

On page 19641, column 2, line 39, which reads "E½NW¼, and NE¼SE¼." is hereby corrected to read "E½NW¼, and NE¼SW¼.".

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 94-23404 Filed 9-21-94; 8:45 am]

BILLING CODE 4310-22-P

43 CFR Public Land Order 7087

[AK-932-4210-06; AA-58075]

Partial Revocation of Secretarial Order Dated January 22, 1940, as Modified; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order, as modified, insofar as it affects 22.12 acres of public land withdrawn for Air Navigation Site No. 134 at Willow. The land is no longer needed for the purpose for which it was withdrawn. This action also allows the conveyance of the land to the State of Alaska, if such land is otherwise available. Any land described herein that is not conveyed to the State is opened and will be subject to the terms and conditions of Public Land Order No. 5186, as amended, and any other withdrawal of record.

EFFECTIVE DATE: September 22, 1994.

FOR FURTHER INFORMATION CONTACT: Sue A. Wolf, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), and by Section 17(d)(1) of the Alaska Native Claims Settlement Act 43 U.S.C. 1616(d)(1) (1988), it is ordered as follows:

1. The Secretarial Order dated January 22, 1940, as modified, which withdrew public land at Willow for Air Navigation Site No. 134, is hereby revoked insofar as it affects the following described land:

Seward Meridian

Located within T. 19 N., R. 1 W., described as U.S. Survey No. 5556. The area described contains 22.12 acres.

2. The State of Alaska application for selection made under Section 6(b) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. note prec. 21 (1988), and under Section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1988), becomes effective without further action by the State upon publication of this public land order in the **Federal Register**, if such land is otherwise available. Land not conveyed to the State is opened and will be subject to the terms and conditions of Public Land Order No. 5186, as amended, and any other withdrawal of record.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 94-23403 Filed 9-21-94; 8:45 am]

BILLING CODE 4310-JA-P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9903

Cost Accounting Standards Board; Applicability and Thresholds for Cost Accounting Standards Coverage; Correction

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the correction notice published in the **Federal Register** on Wednesday, December 15, 1993 (58 FR 65556). The notice concerned the final rule revising applicability, thresholds and procedures for the application of Cost Accounting Standards to negotiated government contracts, which was published Thursday, November 4, 1993 (58 FR 58798).

EFFECTIVE DATE: November 4, 1993.

FOR FURTHER INFORMATION CONTACT: Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board (telephone: 202-395-3254).

SUPPLEMENTARY INFORMATION: The correction notice published Wednesday, December 15, 1993, at 58 FR 65556 did not provide full text under Section 9903.201-4 and is corrected as follows.

On page 65556, in the second column, section 9903.201-4, paragraph (c)(2) and the heading and paragraph (a)(1) of the "Disclosure and Consistency of Cost Accounting Practices" clause instructions is corrected to read as follows:

9903.201-4 Contract clauses.

* * * * *

(c) * * *

(2) The clause below requires the contractor to comply with CAS 9904.401, 9904.402, 9904.405, and 9904.406, to disclose (if it meets certain requirements) actual cost accounting practices, and to follow consistently disclosed and established cost accounting practices.

Disclosure and Consistency of Costs Accounting Practices (Nov 1993)

(a) * * *