

reported in accordance with § 447.530; and

(3) Continue to make rebate payments for all of its covered outpatient drugs for as long as an agreement is in force and drug utilization data reports are made and until—

(i) The entire supply of the drug under an NDC number has expired;

(ii) The drug has been taken off the market; or

(iii) For another reason, there no longer exists the potential that the drug may be paid for under the manufacturer's NDC number.

(b) *Formulas for rebates.*

(1) The basic rebate for single source drugs and innovator multiple source drugs is—

(i) For January 1, 1991, through December 31, 1991: The greater of 12.5 percent of the AMP or the AMP minus best price. (The rebate is capped at 25 percent of AMP.)

(ii) For January 1, 1992, through September 30, 1992: The greater of 12.5 percent of the AMP or the AMP minus best price. (The rebate is capped at 50 percent of AMP.)

(iii) For October 1, 1992, through December 31, 1993: The greater of 15.7 percent of the AMP or the AMP minus best price. (The rebate is capped at 50 percent of the AMP for the rebate period of October 1, 1992, through December 31, 1992.)

(iv) For January 1, 1994, through December 31, 1994: The greater of 15.4 percent of the AMP or the AMP minus best price.

(v) For January 1, 1995, through December 31, 1995: The greater of 15.2 percent of the AMP or the AMP minus best price.

(vi) For January 1, 1996, and thereafter: The greater of 15.1 percent of the AMP or the AMP minus best price.

(2) The additional rebate for single source and innovator multiple source drugs is for calendar years 1991 through 1993: On a drug-by-drug basis, the amount by which the increase in the AMP exceeds the increase in the Consumer Price Index-Urban (CPI-U) from October 1, 1990, to the month before the rebate period of the rebate.

(3) The rebate for noninnovator multiple source and other drugs is—

(i) For calendar years 1991 through 1993: 10 percent of the AMP.

(ii) For calendar years 1994 and thereafter: 11 percent of the AMP.

(c) *Late submittal of data.* The manufacturer is not required to pay a rebate if the State does not submit its rebate period utilization data to the manufacturer within 1 year after the rebate period ended.

**§ 447.548 Computation of unit rebate amount.**

(a) HCFA computes a per drug unit rebate amount on the basis of the formulas specified in § 447.546(b). The rebate amount will be based on unit pricing information supplied by the manufacturer in accordance with § 447.534.

(b) HCFA supplies the per drug unit rebate amount to each State on a rebate period basis. The State must compute the total rebate anticipated, based on its own utilization records, and send an invoice to the manufacturers for a total rebate amount due. However, the manufacturer remains responsible for correctly calculating the rebate amount based on State reported utilization data and its correct determination of AMP and, where applicable, base date AMP and best price, as defined in § 447.534.

**§ 447.550 Denial of FFP.**

(a) Except for those drugs described in § 447.518, FFP will be denied for payment of any dispensed covered outpatient drug of a manufacturer that does not have in effect and comply with:

(1) A drug rebate agreement, as specified in this subpart;

(2) A pharmaceutical pricing agreement with the Public Health Service, in accordance with section 340B of the Public Health Service Act, for all covered outpatient drugs purchased by a covered entity (as described in section 340B(a)(4) of the Public Health Service Act) on or after December 1, 1992; and

(3) A pharmaceutical pricing agreement with the DVA, in accordance with 38 U.S.C. 8126, for all single source drugs, innovator multiple source drugs, biologicals, and insulin, effective January 1, 1993.

(b) FFP is not available for payment for expenditures that exceed the upper payment limit for an innovator multiple source drug that is subject to the Federal upper limits in §§ 447.332(a) and 447.335 dispensed on or after July 1, 1991, if, under applicable State law, a less expensive noninnovator multiple source drug could have been dispensed.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Programs)

Dated: April 12, 1995.

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

Dated: August 31, 1995.

Donna E. Shalala,  
*Secretary.*

[FR Doc. 95-22860 Filed 9-18-95; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 90**

[PR Docket No. 92-235, DA 95-1967]

**Examination of Exclusivity and Frequency Assignment Policies**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On June 15, 1995, the Commission adopted a *Further Notice of Proposed Rule Making* which seeks to introduce market forces into the Private Land Mobile Radio (PLMR) bands. The *Further Notice of Proposed Rule Making* proposed three options to introduce market forces into these bands: exclusivity, user fees, and competitive bidding. The Commission sought comment on each of these options in order to assist in the development and implementation of an overall strategy on how to promote greater efficiency in these bands. This proposed rule extends the period of time in which commenters have to file comments and reply comments.

**DATES:** Comments are to be filed on or before October 16, 1995, and reply comments are to be filed on or before November 20, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mark Rubin of the Wireless Telecommunications Bureau at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:**

Order Extending Comment and Reply Comment Period

Adopted: September 12, 1995

Released: September 13, 1995

By the Chief, Private Wireless Division:

1. On September 1, 1995, the American Public Transit Association (APTA) requested that the time for filing comments in response to the *Further Notice of Proposed Rule Making* in the above-captioned proceeding released by the Commission on June 23, 1995,<sup>1</sup> be extended from September 15, 1995, to October 16, 1995. Likewise, on September 5, 1995, the Land Mobile Communications Council (LMCC) filed a Motion For Extension Of Time until November 20, 1995, to file comments. LMCC also requested that the time for filing reply comments be extended from October 16, 1995, to January 5, 1996.

2. APTA, which represents approximately 400 American public and private mass transit systems, states that

<sup>1</sup> FCC 95-255, 60 Fed. Reg. 37148 (1995).

it needs additional time to submit comments in order to afford its membership a chance to respond to the Commission's June 15, 1995, action. LMCC states that a deadline for filing comments on November 20th is warranted as that date is coterminous with the due date for the industry's report on its service consolidation efforts. LMCC emphasizes that service consolidation decisions must be made in tandem with those relating to channel exclusivity in order to respond adequately to the Commission's proposals.

3. The Commission does not routinely grant extensions of time. In this instance, however, it is desirable that the record be as complete as possible and that it include the views of as large a cross section of the private land mobile radio (PLMR) user community as possible. We believe an extension of thirty (30) days to be adequate to give the PLMR community sufficient time to respond to the above-captioned proceeding. We therefore extend the period of time for filing comments to and including October 16, 1995, and we extend the period for filing reply comments to and including November 20, 1995. The new reply comment date coincides with the due date for the industry's report on radio service consolidation.

4. Accordingly, it is hereby ordered that AMTA's request to extend the deadline for filing comments in this proceeding is granted and LMCC's Motion For Extension of Time is granted to the extent indicated herein and otherwise denied.

5. This action is taken pursuant to the authority provided in Section 1.46 of the Commission's Rules, 47 C.F.R. 1.46.

Federal Communications Commission.  
Robert H. McNamara,  
*Chief, Private Wireless Division.*  
[FR Doc. 95-23170 Filed 9-18-95; 8:45 am]  
BILLING CODE 6712-01-M

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 85

#### RIN 1018-AC67

### Clean Vessel Act Pumpout Symbol, Slogan and Program Crediting

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule provides definitions for facilities open to the public and public versus private facilities, clarification on submitting proposals and points for education, and the requirements for a pumpout symbol, slogan and program crediting for the Clean Vessel Act of 1992 as authorized in 50 CFR Part 85. This rule provides a uniform symbol, slogan and crediting logo for the Clean Vessel Act Pumpout Grant Program.

**DATES:** Comments must be received November 20, 1995.

**ADDRESSES:** Comments may be mailed to the Division of Federal Aid, Fish and Wildlife Service, U.S. Department of the Interior, 1849 C Street, NW., (MS 140 ARLSZ), Washington, DC 20240, or delivered to Room 140, 4401 North Fairfax Drive, Arlington, Virginia 22203.

**FOR FURTHER INFORMATION CONTACT:** Robert D. Pacific, (703) 358-1845.

### SUPPLEMENTARY INFORMATION:

#### Background

Section 5604 of the Clean Vessel Act (Pub. L. 102-587, Title V, Subtitle F) authorizes the Director of the U.S. Fish and Wildlife Service to make grants to coastal States for constructing/renovating pumpout and portable toilet dump stations and for implementing associated education programs.

In response to a request from a State and the marine community, the definitions of facilities open to the public, and public versus private facilities have been added. The definition of public/private follows definitions developed earlier by the marine community for surveying marinas for pumpout and other information.

Two proposals are required by coastal States when submitting projects in coastal and inland portions of the State. Without this differentiation, adequate evaluation of proposals is not possible since points are different for the two zones.

Clarification on points for education was added so that States could receive points for education if they had an active, ongoing education program and did not need additional funds in a particular year. Otherwise, States would be forced to request funds to get points even if they did not need the funds.

In order to increase public awareness of the program, the marine community has recommended developing a pumpout symbol, slogan, and program crediting logo. This rule provides the requirements for that pumpout symbol, slogan, and crediting logo.

There has been an International Standards Organization international symbol since 1972. This symbol is depicted below.

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