

end of the quarter. HCFA will provide PHS with the data necessary for PHS to determine the ceiling price which will be used for resolving disputes, studies involving pricing data, auditing manufacturers, or other program purposes.

For calendar year 1995, the Medicaid rebate for single source and innovator multiple source drugs is the greater of 15.2 percent of the AMP or the AMP minus BP. In calendar year 1996, and thereafter, the rebate percentage decreases to 15.1 percent. An additional rebate must also be paid for single source and innovator multiple source drugs in the amount by which the increase in the baseline AMP exceeds the increase in the Consumer Price Index—Urban (CPI-U). The PHS ceiling price is computed based on the combined basic and additional rebate amounts calculated for the Medicaid program. For noninnovator multiple source drugs, the rebate percentage is 11 percent of the AMP.

For PHS pricing purposes, the timeframe for reporting the pricing data is a problem with respect to new drugs because there is a time lag for new drug pricing information. For new drugs, manufacturers are permitted to calculate the AMP using the pricing instituted in the first quarter; however, the baseline AMP is not available until the end of the first full quarter after the day on which the drug was first sold. For example, if a new drug was first sold on January 15, the quarterly AMP for the period 1/1 through 3/31 would be calculated using sales from 1/15 through 3/31 while the quarterly baseline AMP for the first full

quarter would not be available. The baseline AMP must be determined for a full quarter; therefore, pricing data for the period 4/1 through 6/30 would be utilized. Thus, for the first and second quarter, the discount for the new drug would be a manufacturer's estimate and later adjusted using only the basic rebate amount.

This time lag is not a problem for the State Medicaid agencies because they bill manufacturers for a rebate after the covered outpatient drugs are dispensed to Medicaid beneficiaries. However, to comply with the requirements of section 340B of the PHS Act, the PHS ceiling price must be determined before the covered outpatient drug is sold to the covered entity.

Because there are no sales data for a new drug from which to determine the PHS ceiling price, the Office of Drug Pricing is proposing to utilize a ceiling price estimated by the manufacturer until sufficient data is available to calculate the AMP and BP of the new drug. Any adjustments necessary to reconcile differences between the first and second quarter estimated ceiling price and the third quarter ceiling price will be in the form of a retroactive charge back or rebate.

Because the manufacturer calculates the PHS ceiling price using a data lag, the manufacturer would estimate the new drug ceiling price for three quarters. For example, a new single source drug that enters the market in February (first quarter) will have an estimated PHS ceiling price for that quarter. The manufacturer must submit AMP and BP pricing data for sales

within that quarter to HCFA within 30 days from the end of the quarter (4/30). HCFA will use this pricing data to calculate the basic rebate amount.

The manufacturer must estimate the ceiling price for the second quarter (April 1–June 30). Sales during the quarter will constitute the baseline AMP and BP. The manufacturer must submit baseline AMP and BP for the second quarter to HCFA within 30 days from the end of the second quarter (7/30). The additional rebate amount does not apply to this quarter since there must be two full quarters of pricing data to generate an additional rebate amount when a price increase exceeds the increase the CPI-U.

Because manufacturers must transmit pricing to wholesalers two weeks before the beginning of the quarter, the total rebate amount (basic plus additional rebate) for the third quarter (July 1–September 30) will not be available at that time.

Manufacturers must submit pricing data to HCFA by 10/30. Thus, the manufacturer must offer the third quarter discount using only the basic rebate amount.

Beginning with the fourth quarter (October 1–December 31), the manufacturer will have the necessary pricing data to calculate a total rebate amount. All retroactive charge backs or rebate adjustments necessary to reconcile the first, second, and third quarters estimated ceiling price must be completed by the end of the fourth quarter, i.e., December 31.

Example: Drug Enters Market February 15.

Calendar quarter	Baseline AMP	Add'l rebate (if applicable)	Pricing due to HCFA	Actual rebate amounts available from HCFA	
				Basic	Add'l
1 (Jan–Mar) .....	.....	.....	4/30	5/15	N/A
2 (April–June)	X .....	.....	7/30	8/15	N/A
3 (July–Sept) .....	.....	X	10/30	11/15	11/15
4 (Oct–Dec) .....	.....	X	1/30	2/15	2/15

Dated: September 26, 1995.
 Ciro V. Sumaya,
Administrator, Health Resources and Services Administration.
 [FR Doc. 95–24349 Filed 9–29–95; 8:45 am]
 BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR
Bureau of Land Management
[AK-964-1410-00-P]
Notice for Publication; F-14841-A2 and F-14841-B2; Alaska Native Claims Selection

In accordance with Departmental regulations 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43

U.S.C. 1601, 1613(a), will be issued to Brevig Mission Native Corporation for approximately 21,682 acres. The lands involved are in the vicinity of Brevig Mission, Alaska, within Tps. 1 S., Rs. 36, 37 and 38 W.; T.3 S., R. 36 W.; and T. 1 N., R. 39 W., Kateel River Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in The Nome Nugget. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh

Avenue, #13, Anchorage, Alaska 99513-7599 [(907) 271-5960].

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until November 1, 1995, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Robin Rodriguez,

Land Law Examiner, Branch of Northern Adjudication.

[FR Doc. 95-24441 Filed 9-29-95; 8:45 am]

BILLING CODE 4310-JA-M

[CO-030-05-1620-00-1784]

Southwest Colorado Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the next two meetings of the Southwest Colorado Resource Advisory Council will be held on Thursday, October 12, 1995, in Montrose Colorado, and on Thursday, November 9, 1995, at Ridgway State Park, Colorado.

DATES: The meetings are scheduled for Thursday, October 12, 1995, and Thursday, November 9, 1995.

ADDRESSES: For further information, contact Roger Alexander, Bureau of Land Management (BLM), Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401; Telephone (970) 249-7791; TDD (970) 249-4639.

SUPPLEMENTARY INFORMATION: The October 12 meeting is scheduled to begin at 9 a.m. at BLM's Montrose District Office, 2465 South Townsend, Montrose, Colorado. The November 9 meeting is scheduled to begin at 9 a.m. at Ridgway State Park approximately 20 miles south of Montrose, Colorado. The agenda for both meetings will focus on the development of standards for rangeland health and guidelines for livestock grazing.

All Resource Advisory Council meetings are open to the public. Interested persons may make oral statements to the Council, or written statements may be submitted for the

Council's consideration. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the Montrose District Manager.

Summary minutes for the Council meeting will be maintained in the Montrose District Office and will be available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting.

Dated: September 26, 1995.

Mark W. Stiles,

District Manager.

[FR Doc. 95-24437 Filed 9-29-95; 8:45 am]

BILLING CODE 4310-JB-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32777]

Soo Line Railroad Company; Trackage Rights Exemption; Missouri Pacific Railroad Company

Missouri Pacific Railroad Company has agreed to grant overhead trackage rights to the Soo Line Railroad Company over 8.32+/- miles of rail line between milepost 16.94+/- near Dolton Junction and milepost 8.62+/- near 80th Street in Chicago, in Cook County, IL. The trackage rights were to become effective on September 23, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on Larry D. Starns, Esq., General Attorney, CP Legal Services, Office of the U.S. Regional Counsel, 1000 Soo Line Building, P.O. Box 530, 105 South Fifth St., Minneapolis, MN 55402.

As a condition to use of this exemption, any employees adversely affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: September 25, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-24429 Filed 9-29-95; 8:45 am]

BILLING CODE 7035-01-P

Release of Waybill Data

The Commission has received a request from Mutén & Associates, Inc., for permission to use certain data from the Commission's 1993 and 1994 I.C.C. Waybill Samples. A copy of the request (WB484-9/15/95) may be obtained from the I.C.C. Office of Economic and Environmental Analysis.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections with the Director of the Commission's Office of Economic and Environmental Analysis within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 927-6916.

Vernon A. Williams,

Secretary.

[FR Doc. 95-24428 Filed 9-29-95; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree, Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United State of America v. Khubani Enterprises, Inc.*, Civ. Act. No. 95-4729 (AJL) (D.N.J.), was lodged with the United States District Court for the District of New Jersey on September 18, 1995. The proposed decree concerns alleged violations of the Clean Water Act, 33 U.S.C. § 1311, as a result of the discharge of fill materials onto approximately 24.8 acres of wetlands by Khubani Enterprises, Inc. ("Khubani"), in Fairfield Township, Essex County, New Jersey.

The Consent Decree permanently enjoins Khubani from discharging fill materials into any waters of the United States except in compliance with applicable federal, state and local laws, rules and regulations; provides for the payment of a \$25,000 civil penalty to the United States; requires compliance with an administrative order on consent entered into between Khubani and the New Jersey Department of Environmental Protection; requires restoration of at least 2.6 acres of the violation site; and provides for a supplemental environmental project, pursuant to which Khubani will pay \$75,000 to the New Jersey Nature Conservancy for the purchase and preservation of wetlands in the