

(6) Whether the party expects to submit documentary evidence, and, if so, a brief summary of that evidence.

Filing of Testimony and Evidence Before the Hearing

Any party requesting more than 10 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide, in quadruplicate, the complete text of the testimony, including any documentary evidence to be presented at the hearing, to the OSHA Division of Consumer Affairs. This material must be postmarked on or before September 13, 1995. These materials will be available for inspection and copying at the Technical Data Center Docket Office. The amount of time requested in each submission will be reviewed. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be provided appropriate notice.

Any party who has not substantially complied with the requirements for requesting more than 10 minutes of presentation time will be limited to a 10 minute presentation. Any party who has not filed a notice of intention to appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge.

The hearing will be open to the public, and any interested person is welcome to attend. However, only persons who have filed proper notice of intention to appear will be permitted to ask questions and otherwise participate fully in the proceeding.

Any participant who requires audiovisual equipment for their oral testimony must submit a request for such equipment in their notice of intent to appear, specifying the type of equipment needed.

Conduct and Nature of Hearing

The hearing will commence at 9 a.m. on September 27, 1995 in Washington, D.C. Any procedural matters relating to the hearing will be resolved immediately after commencement. The informal nature of the rulemaking hearing to be held is established in the legislative history of section 6 of the Act and is reflected in the OSHA hearing regulations (see 29 CFR 1911.15(a)). Although the presiding officer is an Administrative Law Judge and questioning by interested parties is allowed on the issues, it is clear that the hearing shall remain informal and legislative in type. The intent, in essence, is to provide an opportunity for effective oral presentation by interested

parties which can be carried out expeditiously and in the absence of rigid procedures which might unduly impede or protract the rulemaking process.

The hearing will be conducted in accordance with 29 CFR part 1911. The hearing will be presided over by an Administrative Law Judge who will have all the necessary and appropriate authority to conduct a full and fair informal hearing as provided in 29 CFR 1911, including the powers to:

- (1) Regulate the course of the proceedings;
- (2) Dispose of procedural requests, objections and comparable matters;
- (3) Confine the presentation to the matters pertinent to the issues raised;
- (4) Regulate the conduct of those present at the hearing by appropriate means;
- (5) In the Judge's discretion, question and permit the questioning of any witness and to limit the time for questioning, and;
- (6) In the Judge's discretion, keep the record open for a reasonable, stated time to receive written information and additional data, views and arguments from any person who participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health. The Administrative Law Judge does not make or recommend any decisions as to the content of the final standard.

The proposed revisions and issues raised will be reviewed in light of all testimony and written submissions received as part of the record. Decisions made by OSHA concerning the proposed revisions and issues will be based on the entire record of the proceeding, including the written comments and data received from the public.

Written Comments

Interested persons are invited to submit written data, views and arguments with respect to the issues raised in this notice. These comments must be postmarked on or before September 13, 1995, and submitted in quadruplicate to the Docket Office, Docket No. S-019A, room N-2625, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 219-7894. Comments limited to 10 pages or less also may be transmitted by facsimile to (202) 219-5046, provided the original and three copies are sent to the Docket Office thereafter. Written submissions must clearly identify the issue addressed and

the position taken with respect to each issue.

The data, views and arguments that are submitted will be available for public inspection and copying at the above address.

All timely written submissions will be made a part of the record for this proceeding.

Authority and Signature

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

It is issued under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 1-90 (55 FR 9033) and 29 CFR part 1911.

Signed at Washington, D.C. this 28th day of July, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 220

Collection From Third Party Payers of Reasonable Costs of Healthcare Services

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish a new rule under the Third Party Collection program for determining the reasonable costs of health care services provided by facilities of the uniformed services in cases in which care is provided under TRICARE Resource Sharing Agreements. For purposes of the Third Party Collection program such services will be treated the same as other services provided by facilities of the uniformed services. The proposed rule also lowers the high cost ancillary threshold value from \$60 to \$25 for patients that come to the uniformed services facility for ancillary services requested by a source other than a uniformed services facility provider. The reasonable costs of such services will be accumulated on a daily basis.

DATES: Written comments on this proposed rule must be received on or before October 2, 1995.

ADDRESSES: LCDR Pat Kelly, Office of the Assistant Secretary of Defense