and pass suitable legislation, the Secretary hereby extends the date by which Wyoming must satisfy condition g to May 20, 1983.

3. The Secretary finds the program amendments submitted by Wyoming on April 8, 1981, pursuant to the 30 CFR 732.1/State program amendment procedures, to be acceptable and hereby approves them. These amendments are as follows:

a. Wyoming regulation Chapter VIII, Section 3.b.(2) and (4) and Section 4, establishing special alternative standards for existing special bituminous surface coal mines.

b. Wyoming regulations Chapter XII, Section 7.b. and Chapter XXIV, allowing letters of credit to be used on reclamation bonds.

4. The Secretary has not completed his review of the February 27, 1981, proposed revision to the Wyoming program consisting of a change in the Wyoming Statute 35–11–406, referred to as the "Operator's Window," and will, therefore, announce his decision on this revision at a later date.

Public Comments

1. The Environmental Policy Institute (EPI) commented that the materials submitted by Wyoming are not consistent with SMCRA Section 526(c). For the reasons set forth in the section above, the Secretary agrees with this comment.

2. The Fish and Wildlife Service recommended that wildlife species diversity and productivity be included as a measure of acceptable post-mining revegetation, rather than simply plant cover and productivity and the ability of the land to support pre-mining grazing pressure. The commenter's recommendation addresses acceptable revegetation measures which is outside the scope of this decision. To satisfy its condition of approval, Wyoming needs only to require that revegetation be evaluated during the last two years of the bond period. The proposal Wyoming has submitted properly establishes the timing for evaluation of revegetation. Therefore, the commenter's recommendation cannot be adopted. Other provisions in the Wyoming program are consistent with 30 CFR 816.97(d)(9), which requires that where fish and wildlife habitat is to be a primary or secondary post-mining land use, the operator shall select plant species based on the following criteria: (1) Their proven nutritional value for fish and wildlife, (2) their uses as cover for fish and wildlife, and (3) their ability to support and enhance fish and wildlife habitat after release of bonds, and that plant groupings shall be distributed to maximize benefit to fish and wildlife.

Approval of Amendments To Satisfy Conditions and Additional Program Amendments

Accordingly, conditions a, d, e and f are hereby removed, and two program amendments to Wyoming's permanent program submitted pursuant to 30 CFR 732.17 are hereby approved. 30 CFR 950.11 is amended to indicate (1) approval of the March 26, 1981, program amendments, and (2) an extension of the time by which Wyoming must satisfy condition g. 30 CFR 950.10 incorporates approval of the corresponding March 26, 1981, and April 8, 1981, program amendments. The removal of these conditions of the approval of the Wyoming permanent program and the approval of the amendments to the program are effective February 18, 1982.

Additional Findings

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM exemption from Sections 3, 4, 6 and 8 of Executive Order 12291 all actions taken to approve or conditionally approve State regulatory programs, actions, or amendments. Therefore, these program and extension amendments are exempt from the preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Note.—Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

On August 4, 1980, the Administrator of the Environmental Protection Agency transmitted his written concurrence on the Wyoming permanent program. The amended regulatory provisions approved in this document are not aspects of the Wyoming permanent program which relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1847 *et seq.*).

Dated: February 10, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Part 950 of Title 30 is amended as follows:

A. 30 CFR 950.10 is revised to read as follows:

§ 950.10 State program approval.

The Wyoming permanent program, as submitted on August 15, 1970, as amended October 23, 1979, May 30, 1980, August 5, 1980, and as further amended March 26, 1981, and April 8, 1981, is approved February 18, 1982. Copies of the approved program, as amended, are available at:

Wyoming Department of Environmental Quality, Land Quality Division, Hathaway Building, Cheyenne, Wyoming 82002;

Office of Surface Mining, Room 5315, 1100 "L" Street, N.W., Washington, D.C. 20240, Telephone: (202) 343–7896.

§ 950.11 [Amended].

B. Section 950.11 is amended by:

1. 30 CFR 950.11 is amended by removing paragraphs (a), (d), (e) and (f).

2. 30 CFR 950.11(g) is amended by removing the date March 26, 1981, and inserting in its place the date "May 20, 1983."

[FR Doc. 82–4341 Filed 2–17–82; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8–R; Amdt. No. 10]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment of final rule.

SUMMARY: This amends the CHAMPUS Regulation to implement Pub. L. 96–552. This public law allows CHAMPUS to extend benefits for outpatient surgery on the basis of inpatient cost-sharing rates for dependents of members of the uniformed services serving on active duty. This amendment changes the language in the Regulation to define ambulatory surgical centers as authorized CHAMPUS providers, provides for payment on the basis of reasonable costs and amends the cost-sharing provisions to apply the inpatient rate to certain ambulatory surgical services. The intended effect of the amendment is to encourage beneficiaries to obtain their surgical services in less expensive outpatient settings when medically appropriate to do so, by providing a more favorable cost-share formula.

DATE: This amendment is effective retroactively for covered surgical procedures performed on or after December 19, 1980.

FOR FURTHER INFORMATION CONTACT: Charles M. Gallegos, Chief, Policy Branch, OCHAMPUS, Aurora, Colorado 80045, telephone 303–361–8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-27319, appearing in the Federal Register on September 21, 1981 (46 FR 46570), the Office of the Secretary of Defense published an interim notice of policy regarding a change in the cost-sharing rules for certain surgical services performed in an outpatient setting. The change was brought about by Pub. L. 96-552, signed into effect on December 19, 1980, and applies to the dependents of members of the uniformed services on active duty.

Section 199.10(f)(2) of 32 CFR requires CHAMPUS beneficiaries to pay a share of the charges of medical services and supplies covered under the CHAMPUS. For beneficiaries who are dependents of members of the uniformed services on active duty, the cost-share for outpatient services and supplies is an annual $50 deductible plus 20% of the CHAMPUS allowable charge for each service or supply. When the beneficiary receives care as an inpatient, the cost-share is $25 or $6.30 for each day of inpatient care, whichever is greater. CHAMPUS considers a beneficiary to be an inpatient when he or she is admitted to an institution for bed occupancy with the expectation that he or she will remain at least 24 hours.

Since ambulatory surgery involves a stay of fewer than 24 hours, CHAMPUS has considered such surgery to be an outpatient service and has extended benefits on the basis of the outpatient cost-sharing rates. Although the total costs of surgery performed in ambulatory settings are generally lower than for surgery performed in hospitals, the higher outpatient cost-share has tended to discourage beneficiaries from choosing ambulatory surgery.

Pub. L. 96-552 was signed into effect on December 19, 1980, to remove the beneficiaries' financial disincentive toward ambulatory surgery and to permit the government to take advantage of the generally lower costs associated with surgery performed in outpatient settings.

With the exception of certain surgical procedures which traditionally have been performed in outpatient settings, CHAMPUS benefits for the dependents of active duty service members will be extended for surgery performed in the outpatient department of a hospital or in an authorized ambulatory surgical center, based on the inpatient cost-share rate of $25. The $25 cost-share includes both institutional and professional services and related presurgical services provided within 72 hours of surgery. The beneficiary is responsible for the $25 cost-share for each surgical procedure performed at least 24 hours apart.

To qualify as authorized providers under the CHAMPUS, free-standing ambulatory surgical centers must be accredited either by the Joint Commission on Accreditation of Hospitals (JCAH), the Accreditation Association for Ambulatory Health Care, Inc. (AAAHC), or such other standards as authorized by the Director, OCHAMPUS. Ambulatory surgical centers will be paid on the basis of CHAMPUS determined or approved reasonable costs.

As authorized under title 5, United States Code Section 553 (b)(B), the final regulation is being published and no previous public comment has been requested. The benefit was expanded through Congressional legislation in December 1980, and we do not believe it is in the public interest to delay implementation through the publication of a proposed rule.

PART 199—IMPLEMENTATION OF THE CIVILIAN AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Accordingly, 32 CFR, Chapter I, Part 199 is amended reading as follows:

Section 199.10 is amended by inserting a new paragraph (f)(2)(iv).

§ 199.10 Basic program benefits.

* * * * *

(f) * * *

(2) * * *

(iv) *Ambulatory Surgery.* Notwithstanding the above provisions pertaining to outpatient cost-sharing, dependents of active duty members of the uniformed services (or their sponsors) are responsible for payment of $25 for surgical care that is authorized and received while in an outpatient status and that has been designated in guidelines issued by the Director, OCHAMPUS.

* * * * *

Section 199.12 is amended as follows:

a. By removing the existing paragraph (b)(4)(i) and substituting a new paragraph (b)(4)(i).

b. By revising paragraph (b)(4)(viii) as set forth below.

c. By adding a new paragraph (e)(2)(i).

The revised and added portion of § 199.12 read as follows:

§ 199.12. Authorized providers.

* * * * *

(b) * * *

(4) * * *

(i) *Hospitals, Acute Care: General and Special.* The term "hospital" means an institution which provides inpatient services, which may also provide outpatient services (including clinical and ambulatory surgical services), and which:

* * * * *

(viii) *Other Specialized Treatment Facilities (STF's).* (*a*) *General.* (*1*) Care provided by certain specialized treatment facilities (on either an inpatient or outpatient basis), other than those listed above, may be cost-shared by CHAMPUS under specified circumstances.

(*i*) The course of treatment is prescribed by a doctor of medicine or osteopathy.

(*ii*) The patient is under the supervision of a physician during the entire course of the inpatient admission or the outpatient treatment.

(*iii*) The type and level of care and services rendered by the institution are otherwise authorized by this Regulation.

(*iv*) The facility meets all licensing and/or other certification requirements which are extant in the jurisdiction in which the facility is geographically located.

(*v*) Is other than a nursing home, intermediate care facility, home for the aged, halfway house, or other institution of similar purpose.

(*vi*) Is accredited by the Joint Commission on Accreditation or other CHAMPUS-approved accreditation organization, if an appropriate accreditation program for the given type of facility is available. As future accreditation programs are developed to cover emerging specialized treatment programs, such accreditation will be a prerequisite to coverage by CHAMPUS for services provided by such facilities.

(*2*) In order to assure that CHAMPUS beneficiaries are provided quality care at a reasonable cost when treated by a specialized treatment facility, the Director, OCHAMPUS (or a designee), will retain the right to:

(*i*) Require prior approval of all admissions to specialized *inpatient* treatment facilities.

(*ii*) Set appropriate standards for specialized treatment facilities in addition to or in the absence of JCAH accreditation.

(*iii*) Monitor facility operations and treatment programs on a continuing basis and conduct on-site inspections on a scheduled and unscheduled basis.

(*iv*) Negotiate agreements of participation.

(*v*) Terminate approval of a case when it is ascertained that a departure from the facts upon which the admission was originally based has occurred.

(*vi*) Declare a specialized treatment facility not eligible for CHAMPUS payment if that facility has been found to have engaged in fraudulent or deceptive practices.

(*3*) In general, the following disclaimers apply to treatment by specialized treatment facilities:

(*i*) Just because one period or episode of treatment by a facility has been covered by CHAMPUS shall not be construed to mean that subsequent episodes of care by the same or similar facility will be automatically covered.

(*ii*) The fact that one case has been authorized for treatment by a specific facility or similar type of facility shall not be construed to mean that similar cases or subsequent periods of treatment will be automatically extended CHAMPUS benefits.

(*b*) *Types of Providers.* The following is a list of facilities which have been specifically designated as STF's. The list is for example only and is not to be construed as being all inclusive.

(*1*) *Freestanding Ambulatory Surgical Centers.* (*i*) Care provided by free-standing ambulatory surgical centers may be cost-shared by CHAMPUS under the following circumstances:

(*a*) The treatment is prescribed and supervised by a physician.

(*b*) The type and level of care and services rendered by the center are otherwise authorized by this Regulation.

(*c*) The center meets all licensing and other certification requirements of the jurisdiction in which the facility is located.

(*d*) The center is accredited by the Joint Commission on Accreditation of Hospitals (JCAH), the Accreditation Association for Ambulatory Health Care, Inc. (AAAHC) or such other standards as authorized by the Director, OCHAMPUS.

(*2*) *Program for the Handicapped Facilities.* (*i*) Other specialized treatment facilities (STF's) also include those facilities which seek approval to provide care authorized under the Program for the Handicapped. (Refer to 199.11 "Program for the Handicapped.")

* * * * *

(e) * * *

(2) * * *

(i) *Freestanding Ambulatory Surgical Centers.* Authorized care furnished by freestanding ambulatory surgical centers, shall be reimbursed on the basis of the CHAMPUS determined reasonable cost.

* * * * *

(10 U.S.C. 1086, 5 U.S.C. 301)

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 82-4299 Filed 2-17-82; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; USS Pegasus, et al.

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy has determined that USS PEGASUS (PHM 1), USS TAURUS (PHM 3), and USS AQUILA (PHM 4) are vessels of the Navy, which, due to their special construction and purposes, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as hydrofoil vessels. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply of the different navigational light configurations of these vessels that are not in full compliance with the applicable requirements of the 72 COLREGS.

EFFECTIVE DATE: January 20, 1982. Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, Alexandria, Virginia 22332, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: This amendment to Part 706 provides notice that the Secretary of the Navy has certified that USS Pegasus (PHM 1), USS Taurus (PHM 3), and USS Aquila (PHM 4) are vessels of the Navy which, due to their special construction and purposes, cannot fully comply with the 72 COLREGS in the following particulars: rule 23(a)(i) requiring that a power-driven vessel underway shall exhibit a masthead light forward; Rule 30(b) requiring a vessel of less than 50 meters in length, when at anchor, to exhibit an all-round light where it can be seen; Annex I, section 3(b) requiring that on vessels of 20 meters or more in length the sidelights shall not be placed in front of the forward masthead lights; Annex I section 9(b) requiring that the all-round anchor light be so located where it can best be seen, but need not be placed at an impracticable height above the hull. Full compliance with the aforementioned 72 COLREGS provisions would interfere with certain special functions and features of these hydrofoil vessels as hereinafter described. Full compliance with Rule 23(a)(i) is not possible because hydrofoil vessels have limited space and on these vessels radar installations mounted just forward of the mainmast requiring unobstructed visibility precludes the placement of the masthead light further forward than its present position 3 meters aft of amidships on the mainmast. In addition, the added weight of a separate forward mast for the purposes of locating the masthead light forward of its present position would add additional topside weight to the vessels and, therefore, adversely affect the ability of these vessels to become foilborne while underway. Full compliance with rule 30(b) and annex I, section 9(b) is not possible because to display an all-round light anchor light where it can best be seen would require the addition of a structure stepped-out from the mainmast on which the light would be located. Such a stepped-out structure would also add significant topside weight to the vessel and, therefore, adversely affect the ability of the vessels to become foilborne while underway. Full compliance with Annex I, section 3(b) is not possible because these hydrofoil vessels must be refueled while underway and since the masthead light must be located on the mainmast, which is located 3 meters aft of amidships for reasons hereinbefore stated, locating the sidelights aft of the masthead light would severely interfere with the ability to refuel these vessels while underway. In addition, locating the sidelights aft of the masthead light would require the installation of a cantilevered structure extending outboard from the vessel and this additional structure would also add additional topside weight to the vessel and, therefore, adversely affect the ability of these vessels to become foil borne while underway. The Secretary of the Navy has certified that the aforementioned navigational lights are, therefore, located on these vessels in a manner that provides the closest possible compliance with the applicable 72 COLREGS.

Moreover, it has been determined, in accordance with CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these vessels in a manner different from that prescribed herein will adversely affect the vessel's ability to perform its military function.

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

Accordingly, 32 CFR Part 706 is amended as follows:

1. Table Two of § 706.2 is amended by adding the following naval vessels to the list of vessels therein to indicate the certifications issued herewith by the Secretary of the Navy:

§ 706.2 [Amended]

* * * * * * *

Vessel	Number	Masthead lights, distance to stbd of keel in meters; rule 21(a)	Forward anchor light, distance below flight dk in meters; section 2(K), Annex I	Forward anchor light, number of; rule 30(a)(i)	AFT anchor light, distance below flight dk in meters; rule 21(e), rule 30(a)(ii)	AFT anchor light, number of; rule 30(a)(ii)	Side lights, distance below flight dk in meters; section 2(g), Annex I	Side lights, distance forward of forward masthead light in meters; section 3(b), Annex I	Side lights, distance inboard of ship's sides in meters; section 3(b), Annex I
*	*	*	*	*	*	*	*	*	*
USS Pegasus	PHM 1							8.4	
USS Taurus	PHM 3							8.4	
USS Aquila	PHM 4							8.4	

2. Table Four of § 706.2 is amended by adding to the existing paragraph 6 the following vessels for which navigational light certifications are herewith issued by the Secretary of the Navy:

6. The masthead light required by Rule 23(a)(i) is not located in the forepart of the vessel on the following ships:

* * * * *

USS Taurus (PHM 3)—3.0 meters aft of amidships

USS Aquila (PHM 4)—3.0 meters aft of amidships

3. Table Four of § 706.2 is amended by adding the following note numbered 20 which reflects navigational light certifications herewith issued by the Secretary of the Navy:

* * * * *

20. On USS PEGASUS (PHM 1); USS TAURUS (PHM 3); and USS AQUILA (PHM 4), two lights are installed at the same level, one fore and one aft, high on the mast to provide the closest possible compliance to the all-round anchor light visibility required by Rule 30(b) and Annex I, section 9(b).

(Executive Order 11964, 33 U.S.C. 1605)

Dated: January 20, 1982.

John Lehman,

Secretary of the Navy.

[FR Doc. 82-4330 Filed 2-17-82; 8:45 am]

BILLING CODE 3810-AE-M

SELECTIVE SERVICE SYSTEM

32 CFR Parts 1608, 1662, and 1665

Selective Service Regulations; Revised Procedures To Implement the Freedom of Information Act and the Privacy Act of 1974

AGENCY: Selective Service System.

ACTION: Final rule.

SUMMARY: Procedures under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 US.C. 552a) are revised in the interest of clarity and efficiency.

EFFECTIVE DATE: The amendments will become effective February 18, 1982.

FOR FURTHER INFORMATION CONTACT: Edward A. Frankle, Associate Director for Policy Development, Selective Service System, Washington, D.C. 20435, Phone: (202) 724-0844.

SUPPLEMENTARY INFORMATION: These amendments to Selective Service Regulations were published in the **Federal Register** for December 22, 1981 (46 FR 62093) for comment pursuant to section 13(b) of the Military Selective Service Act (50 U.S.C. App. 463(b) and 5 U.S.C. 552 and 552a). No comment was received. The proposal amendments to the regulations, without change, will be made final by this publication.

These Regulations implement 5 U.S.C. 552 and 552a.

As required by Executive Order 12291, I have determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612). I have determined that these regulations do not have significant economic impact on a substantial number of small entities.

Thomas K. Turnage,

Director of Selective Service.

February 12, 1982.

The amendments are:

PART 1608 [Removed]

Part 1608—Public Information is removed.

Part 1662 and 1665 are added.

PART 1662—FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES

Sec.

1662.1 Applicability of this part.
1662.2 Procedure for requesting information.
1662.3 Identification of information requested.
1662.4 Consideration of requests for information.
1662.5 Inspection, copying, and obtaining copies.
1662.6 Fees.

Authority: 5 U.S.C. 552, as amended.

§ 1662.1 Applicability of this part.

The provisions of this part prescribe

the procedures for requests for information under 5 U.S.C. 552, as amended (Freedom of Information Act).

§ 1662.2 Procedure for requesting information.

Requests for information under the Freedom of Information Act (FOIA) shall be in writing and should be addressed to the Director, Selective Service System, ATTN: Records Manager, Washington, D.C. 20435.

§ 1662.3 Identification of information requested.

Any person who requests information under FOIA shall provide a reasonably specific description of the information sought so that it may be located without undue search. If the description is not sufficient, the records manager will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought.

§ 1662.4 Consideration of requests for information.

(a) Upon receipt of any request for information or records, the records manager will determine within 10 days (excepting Saturdays, Sundays, and legal federal holidays) whether it is appropriate to grant the request and will immediately provide written notification to the person making the request. If the request is denied, the written notification to the person making the request will include the reasons therefor and a notice that an appeal may be lodged with the Director of Selective Service.

(b) Appeals shall be in writing and addressed to the Director of Selective Service at the address specified in § 1662.2 of this part. The appeal shall include a statement explaining the basis for the appeal. Determinations of appeals will be in writing and signed by the Director, or his designee, within 20 days (excepting Saturdays, Sundays, and legal federal holidays). If, on appeal, the denial is in whole or in part upheld, the written determination will include the reasons therefor and also contain a notification of the provisions for judicial review.

§ 1662.5 Inspection, copying, and obtaining copies.

When a request for information has been approved in accord with § 1662.4, the person making the request may make an appointment to inspect or copy the materials requested during regular business hours by writing or telephoning the records manager at the address listed in § 1662.2. Such materials may be copied manually without charge, and reasonable facilities will be made available for that purpose. Also, copies of individual pages of such materials will be made available as specified in § 1662.6; however, the right is reserved to limit to a reasonable quantity the copies of such materials which may be made available in this manner.

§ 1662.6 Fees.

(a) Search of records is made without charge.

(b) The charge for office copy reproduction is 25 cents per page. The charge for shelf stock is 10 cent per page.

(c) Copies will not be released to any requester until the required fee is paid in full by cash, check or money order. Checks and money orders should be made payable to the Selective Service System.

(d) Documents will be furnished without charge or at a reduced charge where it is determined that the waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

PART 1665—PRIVACY ACT PROCEDURES

Authority: 5 U.S.C. 552a.

§ 1665.1 Rules for determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by the Selective Service System (SSS) contains a record pertaining to them should address their inquiries to the Director, Selective Service System, ATTN: Records Manager, Washington, D.C. 20435. The written inquiry should contain a specific reference to the system of records maintained by Selective Service listed in the SSS Notices of Systems of Records or it should describe the type of record in sufficient detail to reasonably identify the system of records. Notice of SSS Systems of Records subject to the Privacy Act is in the **Federal Register** and copies of the notices will be available upon request to the records manager. A compilation of such notices will also be made and published by the Office of Federal Register, in accord with section 5 U.S.C. 552a(f).

(b) At a minimum, the request should also contain sufficient information to identify the requester in order to allow SSS to determine if there is a record pertaining to that individual in a particular system of records. In instances when the information is insufficient to insure that disclosure will be to the individual to whom the information pertains, in view of the sensitivity of the information, SSS reserves the right to ask the requester for additional identifying information.

(c) Ordinarily the requester will be informed whether the named system of records contains a record pertaining to the requester within 10 days of receipt of such a request (excluding Saturdays, Sundays, and legal federal holidays). Such a response will also contain or reference the procedures which must be followed by the individual making the request in order to gain access to the record.

(d) Whenever a response cannot be made within the 10 days, the records manager will inform the requester of the reason for the delay and the date by which a response may be anticipated.

§ 1665.2 Requests for access.

(a) Requirement for written requests. Individuals desiring to gain access to a record pertaining to them in a system of records maintained by SSS must submit their request in writing in accord with the procedures set forth in paragraph (b) below.

(b) *Procedures.*—(1) *Content of the request.* (i) The request for access to a record in a system of records shall be addressed to the records manager, at the address cited above, and shall name the system of records or contain a description of such system of records. The request should state that the request is pursuant to the Privacy Act of 1974. In the absence of specifying solely the Privacy Act of 1974 and, if the request may be processed under both the Freedom of Information Act and the Privacy Act and the request specifies both or neither act, the procedures under the Privacy Act of 1974 will be employed. The individual will be advised that the procedures of the Privacy Act will be utilized, of the existence and the general effect of the Freedom of Information Act, and the difference between procedures under the two acts (e.g. fees, time limits, access). The request should contain necessary information to verify the identity of the requester (see § 1665.2(b)(2)(vi)). In addition, the requester should include any other information which may assist in the rapid identification of the record for which access is being requested (e.g., maiden name, dates of employment, etc.) as well as any other identifying information contained in and required by SSS Notice of Systems of Records.

(ii) If the request for access follows a prior request under § 1665.1, the same identifying information need not be included in the request for access if a reference is made to that prior correspondence, or a copy of the SSS response to that request is attached.

(iii) If the individual specifically desires a copy of the record, the request should so specify.

(2) *SSS action on request.* A request for access will ordinarily be answered within 10 days, except when the records manager determines that access cannot be afforded in that time, in which case the requester will be informed of the reason for the delay and an estimated date by which the request will be answered. Normally access will be granted within 30 days from the date the request was received by the Selective Service System. At a minimum, the answer to the request for access shall include the following:

(i) A statement that there is a record as requested or a statement that there is not a record in the system of records maintained by SSS;

(ii) A statement as to whether access will be granted only by providing copy of the record through the mail; or the address of the location and the date and time at which the record may be examined. In the event the requester is unable to meet the specified date and time, alternative arrangements may be made with the official specified in § 1665.2(b)(1);

(iii) A statement, when appropriate, that examination in person will be the sole means of granting access only when the records manager has determined that it would not unduly impede the requester's right of access;

(iv) The amount of fees charged, if any (see § 1665.6) (Fees are applicable only to requests for copies);

(v) The name, title, and telephone number of the SSS official having operational control over the record; and

(vi) The documentation required by SSS to verify the identity of the requester. At a minimum, SSS's verification standards include the following:

(A) *Current or former SSS employees.* Current or former SSS employees requesting access to a record pertaining to them in a system of records maintained by SSS may, in addition to the other requirements of this section, and at the sole discretion of the official having operational control over the record, have his or her identity verified by visual observation. If the current or former SSS employee cannot be so identified by the official having operational control over the records, identification documentation will be required. Employee identification cards, annuitant identification, drivers licenses, or the "employee copy" of any official personnel document in the record are examples of acceptable identification validation.

(B) *Other than current or former SSS employees.* Individuals other than current or former SSS employees requesting access to a record pertaining to them in a system of records maintained by SSS must produce identification documentation of the type described herein, prior to being granted access. The extent of the identification documentation required will depend on the type of record to be accessed. In most cases, identification verification will be accomplished by the presentation of two forms of identification. Any additional requirements are specified in the system notices published pursuant to 5 U.S.C. 552a(e)(4).

(C) *Access granted by mail.* For records to be accessed by mail, the records manager shall, to the extent possible, establish identity by a comparison of signatures in situations where the data in the record is not so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom they pertain. No identification documentation will be required for the disclosure to the requester of information required to be made available to the public by 5 U.S.C. 552. When in the opinion of the records manager the granting of access through the mail could reasonably be expected to result in harm or embarrassment if disclosed to a person other than the individual to whom the record pertains, a notarized statement of identity or some similar assurance of identity will be required.

(D) *Unavailability of identification documentation.* If an individual is unable to produce adequate identification documentation the individual will be required to sign a statement asserting identity and acknowledging that knowingly or willfully seeking or obtaining access to a record about another person under false pretenses may result in a fine of up to $5,000. In addition, depending upon the sensitivity of the records sought to be accessed, the official having operational control over the records may require such further reasonable assurances as may be considered appropriate e.g., statements of other individuals who can attest to the identity of the requester. No verification of identity will be required of individuals seeking access to records which are otherwise available to any person under 5 U.S.C. 552, Freedom of Information Act.

(E) *Access by the parent of a minor, or legal guardian.* A parent of a minor, upon *presenting suitable personal identification,* may access on behalf of the minor *any record pertaining to the minor* maintained by SSS in a system of records. A legal guardian may similarly act on behalf of an individual declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction. *Absent a court order or consent,* a parent or legal guardian has no absolute right to have access to a record about a child. Minors are not precluded from exercising on their own behalf rights given to them by the Privacy Act.

(F) *Granting access when accompanied by another individual.* When an individual requesting access to his or her record in a system of records maintained by SSS wishes to be accompanied by another individual during the course of the examination of the record, the individual making the request shall submit to the official having operational control of the record, a signed statement authorizing that person access to the record.

(G) *Denial of access for inadequate identification documentation.* If the official having operational control over the records in a system of records maintained by SSS determines that an individual seeking access has not provided sufficient identification documentation to permit access, the official shall consult with the records manager prior to finally denying the individual access.

(H) *Review of decision to deny access.* Whenever the records manager determines, in accordance with the procedures herein, that access cannot be granted the response will also include a statement of the procedures to obtain a review of the decision to deny in accord with § 1665.5.

(vii) *Exceptions.* (A) Nothing in these regulations shall be construed to entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceeding. The mere fact that records in a system of records are frequently the subject of litigation does not bring those systems of records within the scope of this provision. This provision is not intended to preclude access by an individual to the records which are available to that individual under the other processes such as the Freedom of Information Act or the rules of civil procedure.

(B) Within any system of records pertaining to possible violations of the Military Selective Service Act, the identity of or any information pertaining to any individual who provides information relating to a suspected violator will not be revealed to the suspected violator. This exemption is made under the provision of 5 U.S.C. 552a(k)(2).

§ 1665.3 Access to the accounting of disclosures from records.

Rules governing the granting of access to the accounting of disclosure are the same as those for granting accesses to the records (including verification of identity) outlined in § 1665.2.

§ 1665.4 Requests to amend records.

(a) *Requirement for written requests.* Individuals desiring to amend a record that pertains to them in a system of records maintained by SSS must submit their request in writing in accord with the procedures set forth herein. Records not subject to the Privacy Act of 1974 will not be amended in accord with these provisions. However, individuals who believe that such records are inaccurate may bring this to the attention of SSS.

(b) *Procedures.* (1)(i) The requests to amend a record in a system of records shall be addressed to the records manager. Included in the request shall be the name of the system and a brief description of the record proposed for amendment. In the event the request to amend the record is the result of the individual's having gained access to the record in accordance with the provisions concerning access to records as set forth above, copies of previous correspondence between the requester and SSS will serve in lieu of a separate description of the record.

(ii) When the individual's identity has been previously verified pursuant to § 1665.2(b)(2)(vi), further verification of identity is not required as long as the communication does not suggest that a need for verification is present. If the individual's identity has not been previously verified, SSS may require identification validation as described in § 1665.2(b)(2)(vi). Individuals desiring assistance in the preparation of a request to amend a record should contact the records manager at the address cited above.

(iii) The exact portion of the record the individual seeks to have amended should be clearly indicated. If possible, the proposed alternative language should also be set forth, or at a minimum, the facts which the individual believes are not accurate, relevant, timely, or complete should be set forth with such particularity as to permit SSS not only to understand the individual's basis for the request, but also to make an appropriate amendment to the record.

(iv) The request must also set forth the reasons why the individual believes his record is not accurate, relevant, timely, or complete. In order to avoid the retention by SSS of personal information merely to permit verification of records, the burden of persuading SSS to amend a record will be upon the individual. The individual must furnish sufficient facts to persuade the official in charge of the system of the inaccuracy, irrelevancy, timeliness or incompleteness of the record.

(v) Incomplete or inaccurate requests will not be rejected categorically. The individual will be asked to clarify the request as needed.

(2) *SSS action on the request.* To the extent possible, a decision, upon a request to amend a record will be made within 10 days, (excluding Saturdays, Sundays, and legal Federal holidays). The response reflecting the decisions upon a request for amendment will include the following:

(i) The decision of the Selective Service System whether to grant in whole, or deny any part of the request to amend the record.

(ii) The reasons for determination for any portion of the request which is denied.

(iii) The name and address of the official with whom an appeal of the denial may be lodged.

(iv) The name and address of the official designated to assist, as necessary and upon request of, the individual making the request in preparation of the appeal.

(v) A description of the review of the appeal with SSS (see § 1665.5).

(vi) A description of any other procedures which may be required of the individual in order to process the appeal.

(3) If the nature of the request for the correction of the system of records precludes a decision within 10 days, the individual making the request will be informed within 10 days of the extended date for a decision. Such a decision will be issued as soon as it is reasonably possible, normally within 30 days from the receipt of the request (excluding Saturdays, Sundays, and legal Federal holidays) unless unusual circumstances preclude completing action within that time. If the expected completion date for the decision indicated cannot be met, the individual will be advised of the delay of a revised date when the decision may be expected to be completed.

§ 1665.5 Request for review.

(a) Individuals wishing to request a review of the decision by SSS with regard to any initial request to access or amend a record in accord with the provisions of §§ 1665.2 and 1665.4, should submit the request for review in writing and, to the extent possible, include the information specified in § 1665.5(b). Individuals desiring assistance in the preparation of their request for review should contact the records manager at the address provided herein.

(b) The request for review should contain a brief description of the record involved or in lieu thereof, copies of the correspondence from SSS in which the request to access or to amend was denied and also the reasons why the requester believes that access should be granted or the disputed information amended. The request for review should make reference to the information furnished by the individual in support of his claim and the reasons as required by §§ 1665.2 and 1665.4 set forth by SSS in its decision denying access or amendment. Appeals filed without a complete statement by the requester setting forth the reasons for review will, of course, be processed. However, in order to make the appellate process as meaningful as possible, the requester's disagreement should be set forth in an understandable manner. In order to avoid the unnecessary retention of personal information, SSS reserves the right to dispose of the material concerning the request to access or amend a record if no request for review in accord with this section is received by SSS within 180 days of the mailing by SSS of its decision upon an initial request. A request for review received after the 180 day period may, at the discretion of the records manager, be treated as an initial request to access or amend a record.

(c) The request for review should be addressed to the Director of Selective Service.

(d) The Director of Selective Service will inform the requester in writing of the decision on the request for review within 20 days (excluding Saturdays, Sundays, and legal federal holidays) from the date of receipt by SSS of the individual's request for review unless the Director extends the 20 days period for good cause. The extension and the reasons therefor will be sent by SSS to the requester within the initial 20 day period. Such extensions should not be routine and should not normally exceed an additional thirty days. If the decision does not grant in full the request for amendment, the notice of the decision will provide a description of the steps the individual may take to obtain judicial review of such a decision, a statement that the individual may file a concise statement with SSS setting forth the individual's reasons for his disagreement with the decision and the procedures for filing such a statement of disagreement. The Director of Selective Service has the authority to determine the "conciseness" of the statement, taking into account the scope of the disagreement and the complexity of the issues. Upon the filing of a proper, concise statement by the individual, any subsequent disclosure of the information in dispute will be clearly noted so that the fact that the record is disputed is apparent, a copy of the concise statement furnished and a concise statement by SSS setting forth its reasons for not making the requested changes, if SSS chooses to file such a statement. A notation of a dispute is required to be made only if an individual informs the agency of his disagreement with SSS's determination in accord with § 1665.5(a), (b) and (c). A copy of the individual's statement, and if it chooses, SSS's statement will be sent to any prior transferee of the disputed information who is listed on the accounting required by 5 U.S.C. 552a(c). If the reviewing official determines that the record should be amended in accord with the individual's request, SSS will promptly correct the record, advise the individual, and inform previous recipients if an accounting of the disclosure was made pursuant to 5 U.S.C. 552a(c). The notification of correction pertains to information actually disclosed.

§ 1665.6 Schedule of fees.

(a) *Prohibitions against charging fees.* Individuals will not be charged for:

(1) The search and review of the record.

(2) Any copies of the record produced as a necessary part of the process of making the record available for access, or

(3) Any copies of the requested record when it has been determined that access can only be accomplished by providing a copy of the record through the mail.

(4) Where a registrant has been charged under the Military Selective Service Act and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, the Selective Service System will furnish to him, or to any person he may designate, one copy of his Selective Service file free of charge.

(b) *Waiver.* The Director of Selective Service may at no charge, provide copies of a record if it is determined the production of the copies is in the interest of the Government.

(c) *Fee schedule and method of payment.* Fees will be charged as provided below except as provided in paragraphs (a) and (b) of this section.

(1) *Duplication of records.* Records will be duplicated at a rate of $.25 per page.

(2) Fees should be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requests, copies will not be provided for any subsequent request until the arrears have been paid in full.

(3) Remittance shall be in the form of cash, a personal check or bank draft drawn on a bank in the United States, or postal money order. Remittances shall be made payable to the order of the Selective Service System and mailed or delivered to the records manager, Selective Service System, Washington, D.C. 20435.

(4) A receipt of fees paid will be given upon request.

§ 1665.7 Information available to the public or to former employers of registrants.

(a) Each area office maintains a classification record which contains the name, Selective Service number, and the current and past classifications for each person assigned to that board. Information in this record may be inspected at the area office at which it is maintained.

(b) Any compensated employee of the Selective Service System may disclose to the former employer of a registrant who is serving in or who has been discharged from the Armed Forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the Armed Forces.

(c) Whenever an office referred to in this section is closed, the request for information that otherwise would be submitted to it should be submitted to the National Headquarters, Selective Service System, Washington, D.C. 20435.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2043-8]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: The purpose of today's rulemaking is to approve a revision to Michigan's State Implementation Plan (SIP) for the Detroit area, Wayne County. Four types of studies were conducted to identify the pollution sources causing the total suspended particulates (TSP) problem. This revision statisfies EPA's condition of approval for the State to submit several additional studies to assess the nature of the primary TSP nonattainment problem in the Detroit area.

EFFECTIVE DATE: This action will be effective on April 20, 1982. Unless notice is received on or before March 22, 1982 that someone wishes to submit critical or adverse comments.

ADDRESSES: Copies of this SIP revision are available for review at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; (312) 886-60337.

SUPPLEMENTARY INFORMATION: On May 6, 1980 (45 FR 29790), EPA announced final rulemaking to conditionally approve certain portions of the Michigan SIP for controlling TSP. On that same date, EPA also proposed rulemaking on Michigan's commitment to remedy the identified deficiencies in portions of the State's TSP SIP.

On September 4, 1980, (45 FR 58527), EPA announced final approval of Michigan's schedule committing itself to remedy those identified deficiencies.

Also, on September 4, 1980 (45 FR 58527), EPA announced final approval of Michigan's schedule committing itself to the completion of additional particulate studies in the Detroit area to determine the causes of the primary TSP nonattainment problem. The State agreed to submit a particulate size distribution report, refinement of the emission inventory, assessments of meteorological variables, and an analysis of a microscopy report. These studies were formally submitted by the State of Michigan to EPA on March 7, 1980 (*Down-River Dichotomus Impactor Special Study*) and on April 21, 1981 *Wayne County Primary TSP Standard Nonattainment Studies*).

The submittal of April 21, 1981 was based upon a site-by-site analysis of the emission inventory, meteorological characteristics and particulate microscopy results for each of the seven monitoring stations within Wayne County that reported violations of primary TSP standard in 1979.

EPA has determined that the Detroit TSP studies submitted by the State of Michigan are comprehensive and satisfy EPA's condition of approval. EPA, therefore, takes action today to approve these studies as part of the Michigan federally approved SIP. A complete review of these studies is contained in EPA's rationale document dated October 30, 1981.

EPA believes that this action is a noncontroversial rulemaking, since the revision satisfies Michigan's commitment to complete several studies. This action will be effective April 20, 1982. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose this action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981 (46 FR 8709) that approvals of SIPs under Section 110 or 172 of the Clean Air Act would not have a significant economic impact on a substantial number of small entities. Today's action approves a States action for Michigan under Sections 110 and 172 of the Act. It imposes no requirements beyond those which the State has already imposed.

This regulation is exempt from the Office of Management and Budget under Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of February 18, 1982. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in a civil or criminal proceeding brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the SIP for the State of Michigan was approved by the Director of Federal Register on July 1, 1981.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: February 9, 1982.

Anne M. Gorsuch,

Administrator

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 Code of Federal Regulations is amended as follows:

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(49) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(49) On March 7, 1980 and April 21, 1981 the State of Michigan submitted particulate studies for the Detroit area. These studies satisfy EPA's conditional approval and the State's commitment.

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[FR Doc. 82-4565 Filed 2-17-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL-2041-6]

Designation of Areas for Air Quality Purposes; Michigan; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: At the request of the State of Michigan EPA changed the attainment designation for seven counties in Michigan in a notice of final rulemaking published on November 6, 1981 (46 FR 55108). In a letter dated December 2, 1981, the State notified EPA that several errors were contained in the tables describing the attainment status designations. This action corrects those errors.

EFFECTIVE DATE: This correction notice becomes effective March 22, 1982.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6038.

SUPPLEMENTARY INFORMATION: Pursuant to section 107(d) of the Clean Air Act, the State of Michigan on October 27, 1980, requested EPA to make changes in the attainment status of (1) Berrien, Genesee, Lapeer, Monroe, Saginaw and Washtenaw Counties for total suspended particulates, and (2) Wayne County for carbon monoxide. EPA's notice of final rulemaking on this request was published on November 6, 1981 (46 FR 55108). In a December 2, 1981, letter, the State of Michigan notified EPA that several errors were contained in the tables describing the attainment status designations.

EPA reexamined these designations and is making the following corrections as requested by the State.

Total Suspended Particulates

AQCR 122

1. Bay County: R5E, T14N, Sections 14–16 and 21–23. Due to a typographical error this area was incorrectly designated as "cannot be classified". The correct designation is *"Does not meet secondary standards"*.

2. Genesee County: Portion "a". Due to a typographical error this area was incorrectly designated as "Does not meet secondary standards". The correct designation is *"Does not meet primary standards."*

AQCR 125

1. Calhoun County: RSW, T2S, Section 34. *RSW* should be changed to R4W. The attainment status designation is correct.

Carbon Monoxide

AQCR 123

1. Macomb, Oakland, Wayne Counties. Continuous portions of Macomb, Oakland and Wayne Counties are designated "Does not meet primary standards" for carbon monoxide (40 CFR part 81).

On October 27, 1980 the State of Michigan requested EPA to reduce the size of the area in Wayne County to include only the following area:

Starting at Base Line Road (extending east to Lake St. Clair), west to Inkster Road, south to Pennsylvania Road, extending east to the Detroit River.

On July 27, 1981 (46 FR 38389) EPA proposed to reduce the size of the CO nonattainment area to the area described above.