§ 558.15, the paragraph numbered "3.," third line, "* * * 0.02" should read "* * * 0.22".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 571

[Docket No. R-82-983]

Community Development Block Grants for Indian Tribes and Alaskan Natives, Housing Assistance Plan (HAP)

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: HUD is deleting its regulations which require that an application under the Indian Community Development Block Grant (CDBG) Program include a Housing Assistance Plan (HAP) providing data on the housing assistance needs of the applicant. This deletion is appropriate because of the Department's desire to reduce unnecessarily burdensome administrative requirements which are not required by statute.

EFFECTIVE DATE: May 19, 1982.

FOR FURTHER INFORMATION CONTACT: Marcia A. B. Brown, Office of Program Policy Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6092. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: As part of its continuing deregulation effort, HUD has given further consideration to the need for requiring final applicants under the Indian Community Development Block Grant Program to submit a housing assistance plan on a HUD prescribed form. A review of the HAP form determined that the requirement was unnecessarily burdensome, particularly because there is no statutory requirement that a HAP be submitted by Indian CDBG applicants. Therefore, HUD is revoking all requirements for the preparation of a housing assistance plan by applicants to the Indian CDBG Program. The withdrawal of this administrative requirement, however, does not preclude Indian CDBG applicants from developing, at their own initiative, housing needs analyses and goals for their own use.

This revocation will not adversely affect program participants. In addition, removing the HAP requirement (which is not statutorily prescribed) is consistent with the 1981 Omnibus Budget Reconciliation Act amendments which further limit the HAP requirements to entitlement communities. For these reasons, comment and public participation are unnecessary. Moreover, because it relieves a restriction and eases the burden upon program participants, this change is being made effective as soon after publication as possible, consistent with the requirement of section 7(o) of the Department of HUD Act.

The Department has determined, therefore, that in light of the above mentioned reasons, prior notice and public procedure for this rule would be unnecessary. Accordingly, this change is being adopted by final rule.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 5218, 451 Seventh Street, S.W., Washington, D.C. 20410.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

This rule was listed as item "c)24 (CPD-35-78)" under the Office of Community Planning and Development in the Department's Semi-annual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance number is 14.223.

List of Subjects in 24 CFR Part 571

Community development block grants, Grant programs: housing and community development, Grant programs: Indians, Indians.

PART 571—COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKA NATIVES

§ 571.305 and § 571.405 [Amended]

Accordingly, 24 CFR is amended by: 1. Removing § 571.305 paragraph (d) in its entirety and redesignating paragraph (e) as paragraph (d).

2. By removing § 571.405(e) in its entirety and redesignating paragraphs (f) and (g) as (e) and (f), respectively.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq); Title I, Housing and Community Development Act of 1977 (42 U.S.C. 5301 et seq.); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: March 22, 1982.

Jack R. Stokvis,

General Deputy, Assistant Secretary for Community Planning and Development

[FR Doc. 82-10421 Filed 4-15-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Reg. 6010.8-R; Amdt. No. 13]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Amendment on Reimbursement Methodology

AGENCY: Office of the Secretary, DOD.

ACTION: Amendment of final rule.

SUMMARY: This amends the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Regulation to implement The Department of Defense Authorization Act, 1982 and the Department of Defense Appropriation Act, 1982 (Pub. L. 97-86 and 97-114, respectively). These public laws require CHAMPUS to calculate prevailing charges at the 80th percentile of billed charges made for similar services in the same locality during the base period. It also allows prevailing charges (profiles) to be updated more frequently than once a

year. The intent of these changes is to simplify profile development procedures, make appropriate benefit payments, and make profiles more reflective of all providers' current charges.

DATE: This amendment is effective for claims submitted for payment for services provided on or after December 31, 1981.

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

SUPPLEMENTARY INFORMATION: Currently CHAMPUS reimbursement for individual health-care professionals and other noninstitutional providers is based on the Medicare reasonable charge system. The CHAMPUS-determined reasonable charge cannot exceed the lowest of (a) the billed charge; (b) the charge generally made by the provider for the service (which is known as the provider's customary charge); or (c) the prevailing charge level that does not exceed the 80th percentile of the customary charges made for similar services in the same locality during the last preceding calendar year elapsing before the start of the twelve-month period (beginning July 1 of each year) in which the claim for payment is received by the CHAMPUS fiscal intermediary. Prevailing charge profiles are updated once a year on July 1.

Although Pub. L. 95–485 provided that the 90th percentile of customary charges was to be used, this has been limited to the 80th percentile by the Department of Defense Appropriations Acts.

On December 1, 1981, Pub. L. 97–86 was signed into effect. Section 906 of that law establishes two changes to the CHAMPUS reimbursement methodology for individual health-care professionals and other noninstitutional health care providers which are contained in this amendment.

The first is that customary charges are eliminated altogether from the CHAMPUS reasonable charge methodology. Prevailing charges are to be calculated at the 80th percentile (as limited by Pub. L. 97–114) of billed charges made for similar services in the same locality during the base period. As a result, CHAMPUS reimbursement will be the lower of the billed charge or the prevailing charge. The result of this change is that profile development and reimbursement will be greatly simplified, since there is one less factor used to determine the allowable (reasonable) charge. This change will also result in prevailing charges which reflect the charges of all providers in the profile area rather than only those providers who have customary charges.

The second change is that prevailing charges can be updated more frequently than once a year using a base period of twelve calendar months. This change will result in prevailing charges which will much more accurately reflect providers' current charges.

This amendment also contains editorial changes which make the pertinent sections shorter and more concise.

As authorized under title 5, United States Code, Section 553(b)(3)(B), the final regulation is being published and no previous public comment has been requested. The change is mandated through public law signed into effect on December 1, 1981, and we do not believe it is in the public interest to delay the implementation through the publication of a proposed rule.

List of Subjects in 32 CFR Part 199

Handicapped, Health insurance, Military personnel.

Accordingly, 32 CFR Chapter I, is amended as follows:

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

Section 199.12 is amended by revising paragraph (e)(3) to read as follows:

§ 199.12 Authorized providers.

* * * * *

(e) * * *

(3) *Reimbursement of Individual Health-Care Professionals and Other Noninstitutional Health-Care Providers.* The CHAMPUS-determined reasonable charge (the amount allowed by CHAMPUS) for the services of an individual health-care professional or other noninstitutional health-care provider shall be determined by the allowable charge method, provided that in specific cases and geographic locations the Director, OCHAMPUS, may approve an alternative method.

(i) *Allowable Charge Method.* The allowable charge method is the preferred and primary method for reimbursement of individual health-care professionals and other noninstitutional health-care providers.

(*a*) The allowable charge for authorized care shall be the lower of:

(*1*) The billed charge for the service;

(*2*) The prevailing charge level that does not exceed the amount equivalent to the 80th percentile of billed charges made for similar services in the same locality during the base period.

Note.—Pub. L. 97–86 provides that prevailing charges are to be determined at the 90th percentile. However, Department of Defense Appropriations Acts have limited this to the 80th percentile. Prevailing charges shall continue to be calculated in accordance with any limitations set forth in Department of Defense Appropriations Acts, as implemented in instructions issued by the Director, OCHAMPUS.

(*i*) The 80th percentile of charges shall be determined on the basis of statistical data and methodology acceptable to the Director, OCHAMPUS (or a designee).

(*ii*) The base period shall be a period of twelve calendar months, as determined by OCHAMPUS, and shall be adjusted at least once a year, on a date (or dates) specified by the Director of OCHAMPUS (or a designee).

(*b*) A charge that exceeds the prevailing charge can be determined to be allowable only where unusual circumstances or medical complications justify the higher charge. The allowable charge may not exceed the billed charge under any circumstances.

(ii) *Alternative Method.* The Director, OCHAMPUS (or a designee), may, subject to the approval of the ASD(HA), establish an alternative method of reimbursement designed to produce reasonable control over health care costs and to assure a high level of acceptance of the CHAMPUS-determined charge by the individual health-care professionals or other noninstitutional health-care providers furnishing services and supplies to CHAMPUS beneficiaries. Alternative methods shall not result in reimbursement greater than under the allowable charge method above.

* * * * *

(Pub. L. 97–86 and 97–114)

M. S. Healy,

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

April 9, 1982.

[FR Doc. 82-10229 Filed 4-15-82; 8:45 am]

BILLING CODE 3810-01-M

VETERANS ADMINISTRATION

38 CFR Part 1

Privacy Act of 1974; Access to Records

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: The Veterans Administration (VA) amends one of its regulations governing an individual's access to his or her VA records. The regulation sets forth special procedures, currently provided for in internal VA manuals, to

be used in cases where an individual seeks access to his or her VA records and the granting of such access would result in harm to the individual's mental or physical health. Additionally, the VA is rearranging the provisions of 38 CFR 1.577 and 1.579 so that the first section will concern access to records by individuals, and the second section will concern amendment of records. This action is being taken to eliminate the confusion which existed in the application and understanding of the preexisting VA regulations involved. This action will clarify the VA regulations involved and thus better inform the public of their rights with regard to records pertaining to them that are maintained by the VA.

EFFECTIVE DATE: April 5, 1982.

FOR FURTHER INFORMATION CONTACT: Bill Dangoia, (202) 389–2269.

SUPPLEMENTARY INFORMATION: On pages 58095 through 58097 of the **Federal Register** of November 30, 1981, there was published a notice of proposed rulemaking to amend regulations concerning access and amendment of VA records. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. No written comments were received.

In proposing these regulations, consideration has been given to the provisions of Executive Order 12291. These regulations, which will affect individuals seeking access to or amendment of their own records, will not have an impact on the economy and will not affect commercial businesses or any other organizations in any way. Since these regulations have no economic impact, they are considered nonmajor for the purposes of the Executive Order. Furthermore, the Administrator of Veterans Affairs hereby certifies that these regulations will not, when promulgated, have significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these regulations are, therefore, exempt from the regulatory analysis requirements of sections 603 and 604. The reason for this certification is that the regulations will impact only on individuals, primarily VA beneficiaries, who are seeking access to their own records or amendment of those records. There will be no direct impact on any small entities from these regulations. Accordingly, the proposed regulations are hereby adopted without change and are set forth below.

List of Subjects in 38 CFR Part 1

Privacy.

Approved: April 5, 1982.

Robert P. Nimmo,

Administrator.

PART 1—GENERAL PROVISIONS

38 CFR Part 1 is amended as follows:

1. Section 1.576 is amended to revise paragraph (c)(4) to read as follows:

§ 1.576 General policies, conditions of disclosure, accounting of certain disclosures, and definitions.

* * * * *

(c) * * *

(4) Inform any person or other agency about any correction or notation of dispute made by the agency in accordance with § 1.579 of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

* * * * *

2. In § 1.577, paragraphs (b), (c), (d) and (e) are revised, and a new paragraph (f) is added to read as follows:

§ 1.577 Access to records.

* * * * *

(b) Any individual will be notified, upon request, if any Veterans Administration system of records named contains a record pertaining to him or her. Such request must be in writing, over the signature of the requester. The request must contain a reasonable description of the Veterans Administration system or systems of records involved, as described at least annually by notice published in the **Federal Register** describing the existence and character of the Veterans Administration's system or systems of records pursuant to § 1.578(d). The request should be made to the office concerned (having jurisdiction over the system or systems of records involved) or, if not known, to the Director or Veterans Services Officer in the nearest Veterans Administration regional office, or to the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. 20420. Personal contact should normally be made during the regular duty hours of the office concerned, which are 8:00 a.m. to 4:30 p.m., Monday through Friday for Veterans Administration Central Office and most field stations. Identification of the individual requesting the information will be required and will consist of the requester's name, signature, address, and claim, insurance or other identifying file number, if any, as a minimum. Additional identifying data or documents may be required in specified categories as determined by operating requirements and established and publicized by the promulgation of Veterans Administration regulations. (5 U.S.C. 552a(f)(1)).

(c) The department or staff office having jurisdiction over the records involved will establish appropriate disclosure procedures and will notify the individual requesting disclosure of his or her record or information pertaining to him or her of the time, place and conditions under which the Veterans Administration will comply to the extent permitted by law and Veterans Administration regulation. (5 U.S.C. 552a(f)(2)).

(d) Access to sensitive material in records, including medical and psychological records, is subject to the following special procedures. When an individual requests access to his or her records, the Veterans Administration official responsible for administering those records will review them and identify the presence of any sensitive records. Sensitive records are those that contain information which may have a serious adverse effect on the individual's mental or physical health if they are disclosed to him or her. If, on review of the records, the Veterans Administration official concludes that there are sensitive records involved, the official will refer the records to a Veterans Administration physician, other than a rating board physician, for further review. If the physician who reviews the records believes that disclosure of the information directly to the individual could have an adverse effect on the physical or mental health of the individual, the responsible Veterans Administration official will then advise the requesting individual: (1) That the Veterans Administration will disclose the sensitive records to a physician or other professional person selected by the requesting individual for such redisclosure as the professional person may believe is indicated, and (2) in indicated cases, that the Veterans Administration will arrange for the individual to report to a Veterans Administration facility for a discussion of his or her records with a designated Veterans Administration physician and for an explanation of what is included in the records. Following such discussion, the records should be disclosed to the individual; however, in those extraordinary cases where a careful and conscientious explanation of the information considered harmful in the record has been made by a Veterans Administration physician and where it is still the physician's professional medical opinion that physical access to

the information could be physically or mentally harmful to the patient, physical access may be denied. Such a denial situation should be an unusual, very infrequent occurrence. When denial of a request for direct physical access is made, the responsible Veterans Administration official will: (1) Promptly advise the individual making the request of the denial; (2) state the reasons for the denial of the request (e.g., 5 U.S.C. 552a(f)(3), 38 U.S.C. 3301(b)(1)); and (3) advise the requester that the denial may be appealed to the Administrator of Veterans Affairs and of the procedure for such an appeal. (5 U.S.C. 552a(f)(3))

(e) Nothing in 5 U.S.C. 552a, however, allows an individual access to any information compiled in reasonable anticipation of civil action or proceeding. (5 U.S.C. 552a(d)(5))

(f) Fees to be charged, if any, to any individual for making copies of his or her record, excluding the cost of any search for and the review of the record, will be as follows:

(1) Photocopy reproductions from all types of copying processes, each reproduction image * * * $.05.

(2) Where the Veterans' Administration undertakes to perform, for any other person, services which are very clearly not required to be performed under section 552a, title 5, United States Code, either voluntarily or because such services are required by some other law (e.g., the formal certification of records as true copies, attestation under the seal of the Veterans' Administration, etc.), the question of charging fees for such services will be determined by the official or designee authorized to release the information under 38 CFR 1. 556, in the light of the Federal user charge statute, 31 U.S.C. 483a, any other applicable law, and the provisions of 38 CFR 1.526(i) and 1.555(h). (5 U.S.C. 552a(f)(5))

3. In § 1.579, the title is revised, paragraphs (a), (b), (c) and (d) are revised and paragraph (e) is removed to read as follows:

§ 1.579 Amendment of records.

(a) Any individual may request amendment of any Veterans' Administration record pertaining to him or her. Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date or receipt of such request, the Veterans' Administration will acknowledge in writing such receipt. The Veterans' Administration will complete the review to amend or correct a record as soon as reasonably possible, normally within 30 days from the receipt of the request (excluding Saturdays, Sundays, and legal public holidays) unless unusual circumstances preclude completing action within that time. The Veterans' Administration will promptly either:

(1) Correct any part thereof which the individual believes is not accurate, relevant, timely or complete; or

(2) Inform the individual of the Veterans' Administration refusal to amend the record in accordance with his or her request, the reason for the refusal, the procedures by which the individual may request a review of that refusal by the Administrator or designee, and the name and address of such official. (5 U.S.C. 552a(d)(2))

(b) The department or staff office having jurisdiction over the records involved will establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the Veterans' Administration of an initial adverse Veterans' Administration determination, and for whatever additional means may be necessary for each individual to be able to exercise fully, his or her right under 5 U.S.C. 552a.

(1) Headquarters officials designated as responsible for the amendment of records or information located in Central Office and under their jurisdiction include, but are not limited to: Administrator; Deputy Administrator, as well as other appropriate individuals responsible for the conduct of business within the various Veterans' Administration Departments and Staff Offices. These officials will determine and advise the requester of the identifying information required to relate the request to the appropriate record, evaluate and grant or deny requests to amend, review initial adverse determinations upon request, and assist requesters desiring to amend or appeal initial adverse determinations or learn further of the provisions for judicial review.

(2) The following field officials are designated as responsible for the amendment of records or information located in facilities under their jurisdiction, as appropriate: The Director of each Center, Domiciliary, Medical Center, Outpatient Clinic, Regional Office, Supply Depot, and District Counsels. These officials will function in the same manner at field facilities as that specified in the preceding subparagraph for headquarters officials in Central Office. (5 U.S.C. 552a(f)(4))

(c) Any individual who disagrees with the Veterans' Administration's refusal to amend his or her record may request a review of such refusal. The Veterans' Administration will complete such review not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual request such review and make a final determination unless, for good cause shown, the Administrator extends such 30-day period. If, after review, the Administrator or designee also refuses to amend the record in accordance with the request the individual will be advised of the right to file with the Veterans' Administration a concise statement setting forth the reasons for his or her disagreement with the Veterans' Administration's refusal and also advise of the provisions for judicial review of the reviewing official's determination. (5 U.S.C. 552a(g)(1)(A))

(d) In any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (c) of this section, the Veterans' Administration will clearly note any part of the record which is disputed and provide copies of the statement (and, if the Veterans' Administration deems it appropriate, copies of a concise statement of the Veterans' Administration's reasons for not making the amendments requested) to persons or other agencies to whom the disputed record has been disclosed. (5 U.S.C. 552a(d)(4))

4. Section 1.580 is revised to read as follows:

§ 1.580 [Amended]

(a) Upon denial or a request under 38 CFR 1.577 or 1.579, the responsible Veterans' Administration official or designated employee will inform the requester in writing of the denial, cite the reason or reasons and the Veterans' Administration regulations upon which the denial is based, and advise that the denial may be appealed to the Administrator.

* * * * *

(38 U.S.C. 210(c))

[FR Doc. 82-10394 Filed 4-15-82; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 2080-2]

Oklahoma Submission of Volatile Organic Recommended on Compound (VOC) Regulations for Set II Control Technique Guideline Sources

Correction

In FR Doc. 82-19125, appearing at page 15795, in the issue of Tuesday,