

objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: August 18, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR Part 180 is amended by adding a new § 180.1076 to read as follows:

§ 180.1076 Viable spores of the microorganism *Bacillus popilliae*; exemption from the requirement of a tolerance.

(a) For the purposes of this section the microbial insecticide for which exemption from the requirement of a tolerance is being established shall have the following specifications:

(1) The microorganism shall be an authentic strain of *Bacillus popilliae* conforming to the morphological and biochemical characteristics of *Bacillus popilliae* as described in Bergey's Manual of Determinative Bacteriology, Eighth Edition.

(2) Spore preparations of *Bacillus popilliae* shall be produced by an extraction process from diseased Japanese beetles, and may contain a small percentage of the naturally occurring milky disease bacterium *Bacillus lentimorbus*.

(3) Each lot of spore preparation, prior to the addition of other materials, shall be tested by subcutaneous injection of at least 1 million spores into each of five laboratory test mice weighing 17 grams to 23 grams. Such test shall show no evidence of infection of injury in the test animals when observed for 7 days following injection.

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus popilliae*, as specified in paragraph (a) of this section in or on pasture and rangeland forage when it is applied to

growing crops in accordance with good agricultural practices.

[FR Doc. 23678 Filed 8-31-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 763

[OPTS 61004C; TSH-FRL 2198-8]

Asbestos; Friable Asbestos-Containing Materials in Schools: Identification and Notification; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule; Correction.

SUMMARY: EPA issued a regulation requiring the inspection of public and private elementary and secondary schools in the United States to identify friable asbestos-containing building materials. Each local education agency is required to inspect all areas of each school, take samples of each distinct type of friable material found, and have those samples analyzed for their asbestos content using polarized light microscopy (PLM) augmented by X-ray diffraction where necessary. This correction clarifies the rule to indicate that EPA will find it acceptable for laboratories analyzing samples under this rule to estimate the amount of asbestos in the bulk samples using methods equivalent to the point counting procedure contained in the "Interim Method for Determination of Asbestiform Minerals in Bulk Insulation Samples," published as Appendix A to the rule.

EFFECTIVE DATE: Effective on June 28, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW, Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: EPA issued a regulation published in the Federal Register of May 27, 1982 (47 FR 23360), which requires the inspection of all public and private elementary and secondary schools for friable asbestos-containing materials in school buildings. Samples of friable materials must be analyzed using PLM, supplemented where necessary by X-ray diffraction, in accordance with the "Interim Method for the Determination of Asbestiform Minerals in Bulk Insulation Samples," found in Appendix A of the rule. The Interim Method provides information for the proper identification of asbestos in

bulk samples and includes procedures for estimating the amount of asbestos present in bulk samples.

Paragraph 1.7.2.4 of Appendix A of the rule was intended to provide for a point counting procedure or an equivalent estimation method for determining the amount of asbestos in bulk samples. The phrase "or an equivalent estimation method" was inadvertently omitted from the first sentence of paragraph 1.7.2.4 of the Appendix.

Questions concerning equivalent estimation methods should be directed to EPA's toll-free, technical assistance number (800-334-8571, extension 6741).

Appendix A—Interim Method for the Determination of Asbestos in Bulk Insulation

§ 1.7.2.4 [Corrected]

In FR Doc. 82-14477 appearing on page 23382, in the first column, the regulatory text under 1.7.2.4. *Quantitation of Asbestos Content*, is corrected by adding the phrase "or an equivalent estimation method" in line 2, at the end of the first sentence.

Dated: August 24, 1982.

Edwin L. Johnson,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-24041 Filed 8-31-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 421

Medicare Program; Assignment and Reassignment of Home Health Agencies to Designated Regional Intermediaries

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: We are modifying Medicare regulations to require that all freestanding home health agencies serviced by a nominated intermediary be serviced by a regional intermediary designated by HCFA.

These regulations implement section 1816(e)(4) of the Social Security Act (as added by section 930(o) of the Omnibus Reconciliation Act of 1980, Pub. L. 96-499), which requires the Secretary to designate regional agencies or organizations to perform intermediary functions for home health agencies.

EFFECTIVE DATE: These regulations are effective October 1, 1982.

FOR FURTHER INFORMATION, CONTACT:
Norman Fairhurst, (301) 594-9498.

SUPPLEMENTARY INFORMATION:

I. Background

In the Medicare program, the Secretary is responsible for making payment to a provider of services (such as a home health agency (HHA)) for the covered services it furnishes to Medicare beneficiaries, either through a fiscal intermediary or by HCFA directly through its Office of Direct Reimbursement (ODR).

The wide dispersion of HHAs, their low volume of bills and the small number of HHAs per intermediary are factors that significantly diminish optimum efficiency and effectiveness in administering the HHA part of the Medicare program. Moreover, there has been concern for some time regarding the inadequate monitoring and auditing of HHA costs. In testimony before the Senate Special Committee on Aging and the House Subcommittee on Oversight and Health on March 9, 1977, the Department took the position that the Secretary should be allowed to establish either a single national intermediary or a series of regional intermediaries to service HHAs.

Section 14 of Pub. L. 95-142, enacted as a result of these and other hearings, amended Section 1816 of the Social Security Act and authorized the Secretary to assign and reassign providers to intermediaries and to designate regional intermediaries or a national intermediary with respect to a class of providers (Section 1816(e) (1) and (2) of the Act). As a result of this legislation, HCFA developed a proposal for consolidating HHA workloads among fewer intermediaries.

Section 930(o) of the Omnibus Reconciliation Act of 1980 added a new paragraph (4) to Section 1816(e) of the Act. This section requires the Secretary to designate regional agencies or organizations (that is, fiscal intermediaries) that have entered into an agreement with the Secretary under Section 1816 of the Act to perform functions under that agreement for freestanding HHAs in the region. The statute requires that if an HHA is a subdivision of a hospital (that is, the HHA and hospital are under common control or are affiliated), the Secretary shall assign that HHA to a regional intermediary only under the following condition: The Secretary, after applying published criteria relating to administrative efficiency and effectiveness, determines that the assignment would result in the more

effective and efficient administration of the Medicare program.

In late 1980, HCFA circulated its initial draft HHA intermediary consolidation proposal to providers, intermediaries, regional offices and other HCFA representatives, the National Association of Home Health Agencies, the National League for Nursing and the Fiscal Intermediary Group. After considering comments from these entities, we notified HHAs in December of 1981, through their intermediaries and the Office of Direct Reimbursement (ODR), the HCFA component that services direct-dealing providers, of the names of the designated regional intermediaries and the transition schedule.

However, on March 10, 1982, we were permanently enjoined, by the U.S. District Court for the District of Columbia, from transferring freestanding HHAs serviced by ODR to regional intermediaries. The Court also required us to publish within 30 days a proposed rule concerning the transfer of other affected HHAs to regional intermediaries.

On April 9, 1982, we published a proposed rule that would require freestanding HHA's assigned to intermediaries to be reassigned to designated regional intermediaries (47 FR 15370).

II. Final Regulations

These regulations require all freestanding HHAs that have elected to be serviced by an intermediary under 42 CFR 421.103, to be serviced by a regional intermediary designated by HCFA. We are adding a new section to Medicare regulations, 42 CFR 421.117, to state this requirement.

The major policy provisions behind these regulations are, basically, those stated in the notification to HHAs in December 1981 and in the proposed rule published on April 9, 1982. They are as follows:

A. One intermediary is designated to service freestanding HHAs in each State.

We believe the designation of statewide regional HHA intermediaries will achieve the goal of both Congress and HCFA to improve the administration of the home health benefit under the Medicare program. Consolidating the workload of freestanding HHAs under a single intermediary in each State should improve management and consistency of coverage and reimbursement determinations for HHAs. The use of statewide intermediaries will also facilitate onsite review of HHAs by the intermediaries. This review has proven

to be a significant tool for assuring improved reimbursement determinations and controlling overutilization and overpayments that have been of concern to HCFA and the Congress. Consistent application of Medicare policies with respect to HHAs within each State will enhance delivery of necessary services by providing a constant approach to medical policy interpretation and reimbursement for providers, beneficiaries and the home health community.

The designation of one intermediary per State is in keeping with our long range goals of reducing the number of intermediaries in the Medicare program and of consolidating all intermediary workload in each State with one intermediary.

The criteria used for selecting intermediaries included past performance and the ability of the intermediary to assume additional workload.

Approximately 16 percent of HHAs participating in the Medicare program will be reassigned to another intermediary as a result of implementation of these regulations. The number of intermediaries servicing freestanding HHAs will be reduced from 72 to 49. (No HHA intermediary will be designated for Puerto Rico or the Virgin Islands because of the proposed competitive fixed-price experiment to select a single organization to service their entire Medicare workload.) In only 8 States will there be a major shift of the State's HHAs to a new intermediary (Arizona, California, Florida, Ohio, Pennsylvania, Texas, Washington, West Virginia). In the remaining States, the designated intermediary already services all or most of the freestanding HHAs not serviced by ODR. The implementation procedures we have developed have been designed to assure a smooth transition to the new intermediaries.

B. There will be no alternative to the designated intermediaries for freestanding HHAs. All HHAs wishing to be serviced by an intermediary, including members of HHAs chains, will be serviced by the designated intermediary. Because of a court order HHAs serviced by ODR may continue with ODR or elect to be serviced by the designated regional intermediary.

C. HHAs in multi-State chain organizations will have to deal with designated State intermediaries to assure uniform treatment of HHAs in each State. However, we recognize that there may be cases in which the degree of centralization of the chain will make such a policy less efficient in terms of

cost report settlement. We will therefore allow exceptions to the State intermediary policy for such cases. In these situations, a lead intermediary will handle the home office audit and desk review of all provider cost reports, determine the scope of provider audits, and perform final settlement of individual HHA cost reports. The local designated intermediaries will have responsibility for provider reimbursement throughout the year based on necessary input from the lead intermediary, provide input to the lead intermediary in terms of provider audit and cost report settlement, and perform actual field audit work required.

Chains wishing to avail themselves of the exception will have to present their request in writing to the regional office serving their home office. The request must provide information concerning their degree of centralization, such as is now required for a single intermediary to service an entire chain of any type. The regional office will evaluate each request and notify the chain in writing of HCFA's determination.

D. Hospital-based HHAs will continue to be serviced by the intermediary servicing the parent provider regardless of whether it is the designated intermediary. However, we are asking intermediaries servicing hospital-based HHAs to use the coverage and utilization screens of the designated State intermediary to promote statewide consistency.

E. We are also amending the definition of intermediary in § 421.3 to show that a Blue Cross Plan which has entered into a subcontract, approved by the Administrator, with the Blue Cross Association to perform intermediary functions may be designated as a regional intermediary.

F. We are also amending § 421.128 to show that, under Section 1816(e)(4) of the Act, an intermediary that loses providers to a regional intermediary does not have the right to appeal any adverse effect caused by the reassignment of HHAs to another intermediary or by the designation of regional intermediaries for HHAs.

III. Public Comments

We received 48 comments on our proposed rule. Nineteen of the comments were from individual home health agencies, 17 were from individuals, 7 were from associations representing home health agencies, 3 were from contractors and 2 were from State agencies. The specific comments received and our responses are as follows.

A. General

Comment. Two commenters felt that the regulation is not equitable because hospital-based HHAs and multi-State chains are being treated differently from freestanding home health agencies.

Response. Before hospital-based HHAs can be assigned to designated intermediaries, Section 1816(e)(4) of the Act requires that HCFA promulgate criteria establishing that it would be more effective and efficient to do so. Thus unless otherwise specified hospital-based HHAs will continue to be serviced by the intermediary servicing the parent provider. Moreover, we are asking intermediaries servicing hospital-based HHAs to use the coverage and utilization screens of the designated State intermediary to promote statewide consistency.

HHAs in multi-State chain organizations will be assigned designated intermediaries. However, we recognize that in a few instances the degree of centralization of the chain will require a lead intermediary as well as a designated intermediary. In these cases, the lead intermediary will be responsible for the home office audit and individual provider audits. The designated intermediary will have responsibility for provider reimbursement throughout the year and perform field audit work.

The use of lead intermediaries and designated intermediaries by multi-State chain organizations will be made on an exception basis. Chains wishing to avail themselves of the exception will have to present their request in writing to the regional office. The regional office will evaluate each request and notify the chain in writing of HCFA's determination.

Comment. Several commenters suggested that the regulations clearly state that providers have the option to deal directly with the Administrator through the Office of Direct Reimbursement (ODR).

Response. This is adequately covered in existing regulations. Section 421.103(a) allows all providers the option of receiving payment for covered services furnished to Medicare beneficiaries directly from the Administrator. HHAs serviced by ODR may continue with ODR or elect to be serviced by the designated regional intermediary.

Comment. One commenter questioned whether an HHA could deal with a designated intermediary other than the one assigned to its region.

Response. There will be no alternative to the designated intermediaries for freestanding HHAs. All HHAs wishing

to be serviced by an intermediary, will be serviced by the designated intermediary. Allowing exceptions to the use of designated intermediaries would be contrary to the intent of the law.

Comment. Some commenters were concerned that there is no formal appeal procedure for home health agencies that are having difficulties due to the assignment of an intermediary. A few commenters were concerned that the regulations do not make provision for evaluation of an intermediary's performance on an ongoing basis. One commenter suggested that HCFA develop an objective appeal procedure as an alternative for an agency that is dissatisfied with the performance of an intermediary.

Response. An HHA which is dissatisfied with a designated intermediary's reimbursement practices may appeal these decisions to the Provider Reimbursement Review Board. If an HHA is dissatisfied with a designated intermediary the HHA may bring the issue to HCFA for consideration. HCFA will then review the issue as a part of its responsibility in assuring adequate contractor performance using the performance criteria included in current regulations at § 421.120. HCFA will be monitoring the performance of all intermediaries on an ongoing basis to assure designations are still appropriate.

Comment. Three commenters were concerned that an intermediary adversely affected by the reassignment of HHAs to another intermediary would not have the right of appeal or judicial review.

Response. Section 1816(e)(4) of the Social Security Act requires designation of regional intermediaries for freestanding HHAs. Congress has legislatively determined that these designations are in the interest of improved administration of the program. Therefore, we believe that the text of Section 1816(e)(4) evidences congressional intent that adversely affected intermediaries do not have the right to appeal the announced designations.

Comment. A few commenters were concerned that some intermediaries plan to subcontract audit functions back to the previous intermediary. They felt that this is contrary to the intent of the legislation and will not promote optimum efficiency and effectiveness in administering the HHA part of the Medicare program.

Response. In areas where HCFA has consolidated two or more intermediaries into one, a designated intermediary may

subcontract certain functions, such as beneficiary and provider relations and limited audit functions, back to the previous intermediary, subject to HCFA approval, for a predetermined period of time where this would minimize confusion in the beneficiary community, give the provider community time to adjust to a new intermediary and give the intermediary's staff time to familiarize themselves with the characteristics of the new providers. Although, the nondesignated intermediary may perform many of the intermediary duties, the designated intermediary is ultimately responsible for the manner of the nondesignated intermediary's performance, e.g., the designated intermediary will conduct medical reviews and supply audit guidelines to the subcontractor.

B. Selection of Designated Intermediaries

Comment. The majority of the comments were from providers in three States—Washington, Pennsylvania, and West Virginia—protesting HCFA's choice of intermediary for those States. Commenters for these States were opposed to the designated intermediary and requested another intermediary. They were concerned about the ability of the designated intermediaries to satisfactorily handle transition problems and additional workload. Commenters from Pennsylvania were particularly concerned about the use of State boundaries as the sole definition of a region. They felt that circumstances within Pennsylvania justify the use of "regionalization" within the State.

Response. Congress legislated the use of designated intermediaries by all freestanding home health agencies. However, the definition of boundaries was left to the discretion of the Administrator. In developing a definition we were concerned with selecting an area that was reasonable, consistent and understandable to all parties. Although it is possible for two or more intermediaries in a limited geographic area to be equally proficient and capable of accepting additional workloads, we determined that as a general proposition one intermediary within State boundaries would best achieve the goals of Congress and HCFA.

HCFA is working closely with the intermediaries and providers, and transition committees have been established to ensure that there is a smooth transition and no deterioration in the designated intermediary performance. In those States where there is provider opposition to the designated intermediary, we

reevaluated that intermediary and compared its performance and potential with that of other intermediaries available in the States. As a result of this reevaluation, we have determined that for the overall effective and efficient administration of the program the designations will remain the same. However, HCFA will be monitoring the performance of all intermediaries on an ongoing basis to assure designations are still appropriate.

Comment. One commenter was concerned about including Blue Cross Plans in the definition of intermediary for the purpose of designating them as regional intermediaries. The commenter felt this practice was inconsistent with the intent of the law because the Blue Cross Plans have not entered into an agreement with the Secretary and have not been nominated by a provider or group of providers.

Response. We do not dispute the definition of an intermediary in section 421.3 of the regulation. However, to facilitate understanding and avoid repetitious phrases, HCFA often includes subcontracting Blue Cross Plans in the definition of an intermediary. For example, for purposes of designating regional intermediaries for freestanding home health agencies and for applying the performance criteria to evaluate intermediaries and any adverse action resulting from the application of such criteria, Blue Cross Plans are currently included in the definition of intermediary.

C. Implementation of Designated Intermediaries

Comment. Four commenters asked how HCFA will assure no disruption in cash flow to agencies during the transition of home health agencies to designated intermediaries. One commenter felt that delays in reimbursement would have disastrous implications for certain home health agencies.

Response. HCFA will work closely with the intermediaries and HHAs to avoid interruptions to cash flow. The outgoing intermediary will provide, among other information, the reimbursement rate and history for each HHA. Based on that record the designated intermediary will be able to determine amounts due to each HHA and assure that payments are made timely. Periodic Interim Payments (PIP) and reimbursement rates will be continued without change for the initial cutover until the designated intermediary becomes familiar with the new HHAs accounting system.

Comment. Four commenters suggested that the transfer of HHAs to designated

intermediaries be made based on fiscal-year ending dates. One commenter suggested that if the transfer is not made using fiscal year ending dates then the outgoing intermediary should be responsible for settling cost reports.

Response. The transfer dates will be based on provider fiscal-year ending dates with the exception of the October 1 transfer. This transfer will include those providers with year ending dates of June 30, July 31, August 31 and September 30. The outgoing intermediary will be responsible for settling the cost report and will forward all billing information accrued through September to the designated intermediary. Providers scheduled to transfer October 1 may elect to go to the designated intermediary before October.

IV. Implementation

A. Assurance of Cash Flow

HCFA will make every effort to assure that there will be no interruption of cash flow to HHAs. We will work closely with the designated intermediary and HHAs to identify and resolve problems that could potentially interrupt the HHAs' cash flow.

B. Scheduling of Reassignments

We will begin transferring freestanding HHAs to their designated intermediaries on October 1, 1982. The transfer will be based on provider cost report year ending dates with the exception of the October 1 transfer. This transfer would include those providers with year-ending dates of June 30, July 31, August 31 and September 30.

We will complete the majority of the reassignments to designated intermediaries this calendar year. Fifty-one percent of the HHAs were reassigned between January 1 and March 1; another 40 percent were scheduled to be transferred by December 1. By including the HHAs with June, July, and August year-ending dates in the October 1 reassignment we will still meet this goal. The remaining 9 percent (the 35 HHAs having fiscal year-ending dates in March through May) will be phased in next year.

The original reassignment of freestanding HHAs to the designated intermediaries (based on provider cost reporting year ending dates) began January 1, 1982. After the district court decision was announced in March, any HHA that began or completed the transfer of its workload to the regional intermediary was given the option of continuing to be serviced by the regional intermediary or transferring its workload back to its original

intermediary until the new scheduled transition date. Pending resolution of the national HHA lawsuit at the appellate level, HHAs that formerly were serviced by ODR and transferred to a regional intermediary were also given the option of transferring their workloads back to ODR or remaining with the regional intermediary.

C. Compensation for Transition Costs

Effective with cost reporting periods beginning on or after July 1, 1979, limits have been established on the reimbursable cost per visit for each type of home health service although such limits are applied to the aggregate costs of the HHA. As provided in 42 CFR 405.460(f)(2), limits may be adjusted upward for a provider that shows that it incurred higher costs due to extraordinary circumstances beyond its control. Where a HHA's costs exceed the limits as the result of the mandatory reassignment of the HHA to another intermediary, an exception may be granted under this general category, provided that the costs are reasonable, attributable to the circumstances specified, separately identified by the provider, and verified by its intermediary.

D. List of Designated Regional Intermediaries

Below is the list of intermediaries we have designated as the regional intermediaries. Except as noted below, each HHA will be serviced by the intermediary in its State.

Alabama	Blue Cross and Blue Shield of Alabama.
Alaska	Blue Cross and Blue Shield of Washington and Alaska.
Arizona	Aetna Life and Casualty.
Arkansas	Arkansas Blue Cross and Blue Shield, Inc.
California	Blue Cross of Southern California.
Colorado	Blue Cross of Colorado.
Connecticut	Blue Cross and Blue Shield of Connecticut, Inc.
Delaware	Blue Cross of Delaware.
District of Columbia	Group Hospitalization, Inc. (Washington, D.C.).
Florida	Aetna Life and Casualty (Clearwater, Florida).
Georgia	Blue Cross of Georgia/Columbus, Inc.
Hawaii	Hawaii Medical Service Association.
Idaho	Blue Cross of Idaho Health Services.
Illinois	Health Care Service Corporation (Chicago, Ill.).
Indiana	Mutual Hospital Insurance, Inc. (Indianapolis, Ind.).
Iowa	Blue Cross of Iowa, Inc.
Kansas	Blue Cross of Kansas, Inc.
Kentucky	Blue Cross and Blue Shield of Kentucky, Inc.
Louisiana	Blue Cross of Louisiana.
Maine	Associated Hospital Service of Maine.
Maryland	Blue Cross of Maryland, Inc.
Massachusetts	Blue Cross of Massachusetts, Inc.
Michigan	Blue Cross and Blue Shield of Michigan.

Minnesota	Blue Cross of Minnesota.
Mississippi	Blue Cross and Blue Shield of Mississippi, Inc.
Missouri	Blue Cross Hospital Service, Inc. of Missouri (St. Louis, Missouri).
Montana	Blue Cross of Montana.
Nebraska	Mutual of Omaha Insurance Company.
Nevada	Aetna Life and Casualty (Reno, Nevada).
New Hampshire	New Hampshire-Vermont Health Services, Inc.
New Jersey	The Prudential Insurance Company of America.
New Mexico	New Mexico Blue Cross and Blue Shield, Inc.
New York	Blue Cross and Blue Shield of Greater New York.
North Carolina	Blue Cross and Blue Shield of North Carolina.
North Dakota	Blue Cross of North Dakota.
Ohio	Hospital Care Corporation (Cincinnati, Ohio).
Oklahoma	Blue Cross and Blue Shield of Oklahoma.
Oregon	Blue Cross of Oregon.
Pennsylvania	Blue Cross of Greater Philadelphia.
Puerto Rico	None.
Rhode Island	Hospital Service Corporation of Rhode Island.
South Carolina	Blue Cross and Blue Shield of South Carolina.
South Dakota	Blue Cross of Western Iowa and South Dakota.
Tennessee	Blue Cross and Blue Shield of Tennessee (Chattanooga, Tennessee).
Texas	Group Hospital Service, Inc. (Dallas, Texas).
Utah	Blue Cross of Utah.
Vermont	New Hampshire-Vermont Health Services, Inc.
Virginia	Blue Cross of Southwestern Virginia (Roanoke, Virginia).
Virgin Islands	None.
Washington	Blue Cross of Washington and Alaska.
West Virginia	Blue Cross Hospital Service, Inc. (Charleston, West Virginia).
Wisconsin	Blue Cross/Blue Shield United of Wisconsin.
Wyoming	Blue Cross of Wyoming.

HHAs in Puerto Rico and the Virgin Islands, as well as hospital-affiliated HHAs, are not being reassigned, as explained above in section II. In addition, certain designated intermediaries will service HHAs across State lines in keeping with their longstanding service areas in the following cases. We have added Chattanooga Blue Cross to this list because it was inadvertently omitted from the NPRM.

- Group Hospitalization, Inc.—services the District of Columbia; Prince Georges and Montgomery Counties in Maryland; Arlington County, Fairfax County, and the cities of Alexandria, Falls Church and Fairfax in Virginia.

- Blue Cross of Western Iowa and South Dakota—services all of South Dakota and 26 counties in Iowa.

- Oregon Blue Cross—services Oregon and Clark County in Washington, a suburb of Portland.

- St. Louis Blue Cross—services Missouri, and Johnson and Wyandotte Counties in Kansas.

- Chattanooga Blue Cross—services Walker, Dade and Catoosa Counties in Georgia.

These service areas do not overlap with those of other designated intermediaries and thus meet the intent of the legislative mandate in Pub. L. 96-499.

Kaiser, Inc. will continue to service its one freestanding and three hospital-affiliated HHAs pending a decision on its role as an intermediary.

V. Impact Analyses

A. Executive Order 12291

We have determined that these regulations will not result in an annual economic impact of \$100 million; have significant adverse effects on competition; or, meet other threshold criteria of section 1(b) of the Order. We estimate that 404 freestanding HHAs will be assigned from their present intermediary to a regional intermediary. We further estimate one-time costs of \$250,000, to the program, for the assignment of these HHAs. We assume some savings in program expenditures as a result of the consolidation of HHAs and the reduction in servicing intermediaries. Savings would be associated with economies of scale that would lower unit processing costs; with improved reimbursement determinations and with better control of overutilization and overpayments. Exact savings estimates await intermediary implementation of these provisions. However, we do not estimate that potential savings, coupled with the one-time costs, would exceed the \$100 million threshold. Therefore a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

The Secretary certifies, under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that these regulations will not result in a significant impact on a substantial number of small entities.

We estimate that 404 of the 2,528 freestanding HHAs will be assigned under Section 1816(e)(4) of the Social Security Act. Fifty-one percent of the 404 HHAs have completed reassignment under earlier administration action, with the remaining 198 HHAs scheduled for assignment by the end of the calendar year. Thus, these regulations will impact only 8 percent of freestanding HHAs.

Provision has been made for minimizing the impact upon these affected HHAs. As noted in the preamble, we will attempt to assure a continued cash flow for each of the affected HHAs; will base reassignment

upon the provider cost report year ending dates; and will provide an exception for those HHAs whose costs exceed their limits as a result of transition costs incurred through the redesignation. Thus, the reassignment of these HHAs will not result in a significant impact on them.

List of Subjects in 42 CFR Part 421

Administrative practice and procedure, Contracts (agreements), Courts, Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Information (disclosure), Lawyer, Medicare, Professional Standards Review Organizations (PSRO), Reporting requirements.

PART 421—INTERMEDIARIES AND CARRIERS

42 CFR Part 421, is amended as set forth below.

1. The authority citation for Part 421 is revised to read as follows:

Authority: Secs. 1102, 1815, 1816, 1842, 1861(u), 1871, 1874 and 1875 of the Social Security Act (42 U.S.C. 1302, 1395g, 1395h, 1395u, 1395x(u), 1395hh, 1395kk, and 1395ll), and 42 U.S.C. 1395-1.

2. In the Table of Contents for Subpart B, a new § 421.117 is added as follows:

Subpart B—Intermediaries

* * * * *

Sec.

421.117 Designation of regional intermediaries for freestanding home health agencies.

* * * * *

3. Section 421.3 is amended by revising the definition of "intermediary" to read as follows:

§ 421.3 Definitions

* * * * *

"Intermediary" means an organization that has entered into an agreement with the Administrator to perform designated functions in the administration of the Medicare program.

For purposes of designating regional intermediaries for freestanding home health agencies under § 421.117 as well as for applying the performance criteria in § 421.120 and the statistical standards in § 421.122 and any adverse action resulting from such application, the term intermediary also means a Blue Cross Plan which has entered into a subcontract approved by the Administrator with the Blue Cross Association to perform intermediary functions.

* * * * *

4. Section 421.117 is added to read as follows:

§ 421.117 Designation of Regional Intermediaries for Freestanding Home Health Agencies.

(a) This section is based on section 1816(e)(4) of the Social Security Act, which requires the Secretary to designate regional intermediaries for freestanding home health agencies (HHAs).

(b) Freestanding HHAs that elect to receive payment for covered services furnished to Medicare beneficiaries through an intermediary under § 421.103(b) of this subpart must receive payment through a regional intermediary designated by HCFA.

5. Section 421.128 is amended by adding a new paragraph (f) to read as follows:

§ 421.128 Intermediary's opportunity for a hearing and right to judicial review.

* * * * *

(f) Exception. An intermediary adversely affected by the designation of a regional intermediary under § 421.117 of this subpart is not entitled to a hearing or judicial review concerning adverse effects caused by the designation of a regional intermediary.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare Hospital Insurance)

Dated: July 30, 1982.

Carolyn K. Davis,
Administrator, Health Care Financing
Administration.

Approved: August 12, 1982.

Richard S. Schweiker,
Secretary.

[FR Doc. 82-24005 Filed 8-31-82; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Determination That *Phacelia formosula* is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: *Phacelia formosula* (North Park phacelia) is highly vulnerable due to the small number of populations and their threats. Only two populations are known, five miles apart. They occur on the sides of sandy bluffs above rivers in Colorado. Threats include motorcycle use on the hillside, potential oil and gas or coal exploration, and damage from cattle trampling. Both populations have dual land ownership: Bureau of Land Management and private on one and

Jackson County and private on the other. This determination of *Phacelia formosula* to be an Endangered species implements the protection provided by the Endangered Species Act of 1973, as amended.

DATES: This rule becomes effective on October 1, 1982.

ADDRESS: The complete file for this rulemaking is available for inspection by appointment during regular business hours at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Dr. James L. Miller, Staff Botanist, Endangered Species Staff, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 (303/234-2496).

SUPPLEMENTARY INFORMATION: *Phacelia formosula* was discovered in 1918 at North Park and published as a new species in 1919. It was collected a few times after that, but modern work on the species did not begin until 1969 when Dr. Duane Atwood, now with the U.S. Forest Service, reobserved the historical (type) locale and published an analysis of the species in this 1975 revision of the species group.

The North Park phacelia is a small biennial only 6 to 9 inches tall. In the first year, it produces a basal rosette of leaves. The following year, it sends up a flowering stem, usually branched at the base, with violet flowers in several coiled branches. This 2-year plant then sets seed and dies.

This historical population, the scientific baseline for the species, has been severely disturbed by heavy motorcycle use and some trampling by cattle; the area is between an airport and campground and picnic area and is quite degraded. Since the species is a biennial, it must have 2 favorable years to set seed. The first population has fluctuated from 22 plants in 1979 to perhaps a maximum of 200 in the very favorable season of 1981. Five miles away, a second population of the species was discovered in 1981. The population consists of five sites in 8 miles along the North Platte River: the major concentration of plants is at just one of these sites, consisting of perhaps 2,500 individuals in the very favorable 1981 season, while the other four sites consisted of only 3 to 15 plants each. The site of the North Platte population with the major concentration of plants is within a Known Recoverable Coal Resource Area (KRCRA), has been partially leased for oil and natural gas, and also is subject to cattle trampling. Thus, the North Park phacelia is

endangered because its two limited populations are in jeopardy from motorcycle activity and cattle trampling; from the potential of coal, oil, and gas development, and from the potential intensification of a given year's damage because of the species' biennial life cycle. It is not protected under any Colorado law.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the *Federal Register* (40 FR 27823-27924) of his acceptance of this report as a petition within the context of Section 4(c)(2) of the Act, and his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the *Federal Register* (40 FR 24523-24572) to determine approximately 1,700 vascular plant taxa to be Endangered species pursuant to Section 4 of the Act. This list was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, *Federal Register* publication. *Phacelia formosula* was included in the July 1, 1975, notice and the June 16, 1976, proposal. General comments on the 1976 proposal are summarized in an April 26, 1978, *Federal Register* publication (43 FR 17909-17916).

The Endangered Species Act Amendments of 1978 (P.L. 95-632) required that all proposals over 2 years old be withdrawn. On December 10, 1979, the Service published a notice of the withdrawal of the still applicable portions of the June 16, 1976, proposal along with other proposals which had expired (44 FR 70796-70797).

A status report on this species was compiled in October 1979 by Karen Wiley-Eberle, Bureau of Land Management (BLM) botanist in Craig, Colorado, and received by the Service shortly thereafter. March, April, and July 1980 consultations with a number of biologists with expertise on this plant and knowledge of its habitat, and a July 1980 field survey of the species, provided new biological and economic data on *Phacelia formosula*. As detailed in the proposed rule (45 FR 58168), only 117 mature specimens and 3 seedlings in 4 small patches were found in July 1980 at the historical site. Fresh motorcycle trails ran through the population. The

Service determined that sufficient new information was available to repropose *Phacelia formosula* as an Endangered species (45 FR 58168-58171) on September 2, 1980. Critical Habitat was not proposed for this species, since publication of and a public meeting on the plant's type location near a town would increase the risk of vandalism from motorcycle recreationists to this significant population.

Summary of Comments and Recommendations

In the June 18, 1980, *Federal Register* proposed rule (45 FR 58168) and associated notifications and press releases, all interested parties were requested to submit factual reports or information which might contribute to the development of a final rule. A letter was sent to the Governor of Colorado notifying him of the proposed rule and soliciting his comments and suggestions. All comments received were considered, and are discussed below.

Comments were received from the Governor of Colorado, State of Colorado Natural Areas Program (Natural Heritage Inventory), BLM Craig District Manager, Garden Club of America, and 10 private citizens (one comment contained 18 signatures). All supported the proposal for listing this species. The Governor, the Natural Areas Program, and the BLM suggested that the known location data in the proposal was very complete and emphasized listing without Critical Habitat to lessen publicity about the plant's location. Two of the private citizens commented in favor of designating Critical Habitat because they felt this could provide more protection to the species. Since designating Critical Habitat would have required publishing a location map in the *Federal Register* and local newspapers, as is required by the Endangered Species Act, the extremely rare *Phacelia formosula* might have been additionally threatened by taking or vandalism. A greater management burden would thus have been created. Better protection as desired by the commentators is given *Phacelia formosula* by not designating Critical Habitat at this time. No public meeting was requested on this listing, nor were unfavorable comments received.

Conclusion

After a thorough review and consideration of all available information, the Secretary has determined that *Phacelia formosula* Osterhout (North Park phacelia) is an Endangered species (in danger of extinction throughout all or a significant portion of its range) due to one or more

of the factors described in Section 4(a) of the Endangered Species Act. These factors and their application to *Phacelia formosula* are as follows:

(1) *Present or threatened destruction, modification, or curtailment of its habitat or range.* *Phacelia formosula* is known from two populations five miles apart in Jackson County, Colorado, growing on sandy bluffs above rivers. In 1981, the North Platte population contained about 2,500 individuals of the biennial. In recent years, the smaller population has been as low as 22 plants. It has been severely impacted by motorcycle use on the slopes of the bluff, which causes deterioration of the habitat as well as the actual destruction of the plants. Its viability is in great jeopardy. Since the second (North Platte) population was only discovered in 1981, trend data for it is now being developed. It lies within a Known Recoverable Coal Resource Area and partially within an oil and gas lease. If there is exploration for or extraction of these resources in the future, careful consideration of this species would be necessary to avoid inadvertent destruction. Both populations have been impacted by cattle trampling.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

(3) *Disease or predation* (including grazing). Cattle grazing has occurred on the species' habitat. It is trampling rather than direct grazing that appears to impact the species.

(4) *The inadequacy of existing regulatory mechanisms.* There currently exist no specific State or Federal laws protecting this species or its habitat. However, the BLM has declared its portion of and containing the second population to be unsuitable for coal development in order to emphasize the need to conserve this species. The State of Colorado has strict regulations to maintain water quality in live water, and would have to evaluate any coal mining plan potentially affecting the North Platte River. Since the plant population along the bluff is within ½ mile of the river bank, it is possible that any coal mining in that immediate area would be severely limited by hydrological considerations.

(5) *Other natural or man-made factors affecting its continued existence.* Any human threats to this species would exaggerate the possibility of small populations going extinct through natural population fluctuations. Reproductive success of the historical population is reported as very poor, with low vigor. A given year's damage is potentially intensified because of the

species' biennial life cycle (2 years are needed to set seed).

Critical Habitat

Section 4(a)(1) of the Endangered Species Act of 1973, as amended, provides, in part:

At the time any such regulation (to determine whether a species is endangered or threatened) is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be Critical Habitat.

In addition, in the Section 4 regulations of February 27, 1980 (45 FR 13009) and codified at 50 CFR 424.12(a) it is stated that:

If the Director determines that the designation of Critical Habitat is not prudent, he will state the reasons for such determination in the proposed and final rules listing a species.

If a detailed map of Critical Habitat of the species had been published in the Federal Register and local newspapers as is required by the Endangered Species Act, the extremely rare *Phacelia formosula* might have been additionally threatened by taking or vandalism from motorcycle recreationists, activities not directly prohibited for plants by the Endangered Species Act of 1973, as amended (see subsection 9(a)(2), 16 U.S.C. 1538(a)(2)). Since publication of a Critical Habitat map and the subsequently required public meeting would have called general attention to this species and made it more vulnerable, it was not prudent to propose Critical Habitat in this case. After management and recovery plans have been developed for this plant, Critical Habitat might be beneficial and might be proposed in the future.

Information Sources

Anderson, J. L. 1982. Update of the Status Report on *Phacelia formosula* by Karen Wiley of BLM (1979). U.S. Fish and Wildlife Service, Region 6, Endangered Species Staff, Denver, Colorado.

Atwood, N. D. 1975. A revision of the *Phacelia crenulatae* group (Hydrophyllaceae) for North America. Great Basin Naturalist, Vol. 35, No. 2, pp. 161-162.

Baker, Wm. L. 1981. Site (Preserve) Summary for the North Platte Preserve. The Nature Conservancy, Colorado Field Office.

Wiley, K.-L. 1979. Status Report on *Phacelia formosula* Osterhout. Prepared by the Bureau of Land Management and submitted to U.S. Fish and Wildlife Service. Report dated October 18, 1979.

Effects of this Rule

In addition to the effects discussed above, the effects of this rule include, but are not necessarily limited to, the following:

The Act and implementing regulations published in the June 24, 1977, Federal Register (42 FR 32373-32381) and codified in Title 50 of the Code of Federal Regulations set forth a series of general trade prohibitions and exceptions which apply to all Endangered plant species. The regulations are found at §§ 17.61-17.63 of 50 CFR and are summarized below.

With respect to *Phacelia formosula*, all prohibitions of Section 9(a)(2) of the Act, as implemented by § 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. The Act and §§ 17.62 and 17.63 provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered species under certain circumstances. International and interstate commercial trade in *Phacelia formosula* does not exist and probably few permits ever would be requested.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species which is listed as Endangered. This protection will now accrue to *Phacelia formosula*. Provisions for Interagency Cooperation implementing Section 7 are codified at 50 CFR Part 402. These require Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of *Phacelia formosula*. Thus any habitat essential for its survival on BLM land can be protected. New rules implementing the amendments to Section 7 are in preparation.

This determination will have little, if any, economic impact on activities on Federal land. Priority for coal development in this area is low, the BLM has no plans to start coal leasing, and it has declared its portion of the site unsuitable for coal development to emphasize the need to conserve this species. Eighty acres of a 1,958-acre oil and gas lease overlap onto the edge of the bluffs where the major concentration of the second population occurs. The potential for exploratory drilling is considered medium to low and it is likely that the drill pad(s) would be located above and away from the bluff and the plants, where the land in the lease is more level.

Trampling damage to the plants and fragile soil on Federal land is not so severe as that at the first site. It is possible that a reduction in grazing or change in season of use is all that would be needed.

By listing this plant as an Endangered species, certain conservation authorities become available and protective measures may be undertaken for it. These could include the use of Federal and State funds for the species since Colorado has a plant cooperative agreement under section 6(c)(2) of the Act. A recovery plan for the species, as specified in section 4(g), also could be developed.

Effect Internationally

The Service will review whether this species should be considered for placement on the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, or other appropriate international agreements.

National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this rule. It is on file in the Service's Denver Regional Office, and Washington Office of Endangered Species. This assessment forms the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 and 40 CFR Parts 1500-1508.

Note.—The Department of the Interior has determined that this rule is not a major rule under Executive Order 12291. This determination is based upon the assessment that only minimal costs for fencing would be associated with protecting the plant from motorcycles and that neither oil and gas leasing nor coal mining would be significantly affected by this listing. Since this rule was proposed before January 1, 1981, a Determination of Effects on Small Entities is not required by the Regulatory Flexibility Act (5 U.S.C. 601). This rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Authority and Authors

This rule is published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat. 884, 92 Stat. 3751, 93 Stat. 1225). The primary author of this rule is John Anderson, U.S. Fish and Wildlife Service, Endangered Species Staff, P.O. Box 25486, Denver, Colorado 80225 (303/234-2496). Dr.

Bruce MacBryde of the Service's Washington Office of Endangered Species served as editor (703/235-1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Accordingly, Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as set forth below:

Amend § 17.12(h) by adding in alphabetical order under Hydrophyllaceae, the following plant:

§ 17.12 Endangered and threatened plants.

(h) * * *

Scientific name	Species	Common name	Historic range	Status	When listed	Critical habitat	Special rule
Hydrophyllaceae Waterleaf family. <i>Phacelia formosula</i>		North Park phacelia	U.S.A. (CO)	E	120	N/A	N/A

Dated: August 16, 1982.

G Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

FR Doc. 82-24025 Filed 8-31-82; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 2823-160]

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of determination.

SUMMARY: NOAA issues this notice of determination of shortbelly rockfish available for joint venture processing. This notice also contains the results of an in-season reassessment of that portion of the optimum yield of shortbelly rockfish which will not be used by U.S. fish processors in 1982. The reassessment is necessary to promote full utilization of the resource. It is intended to allow, within biological limits, those amounts of shortbelly rockfish harvested by U.S. fishermen but not needed by the domestic processing industry to be made available for foreign processing.

COMMENTS: Comments on the determination must be received by September 16, 1982.

EFFECTIVE DATE: September 1, 1982.

ADDRESS: Send comments to H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, (206) 527-6150.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce (Secretary) is authorized under Section 204(b)(6) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) to approve applications from foreign nations to receive U.S. harvested fish in the fishery conservation zone (FCZ). After receipt of such an application, the Secretary must determine the capacity and intent of the U.S. processing industry to use all U.S.-harvested fish from the fishery concerned. The amount authorized to be received at sea by foreign vessels may not exceed that portion of the optimum yield (OY) not utilized by domestic fish processors.

In early June 1982, the Secretary of State received an application from the Soviet Union to amend its 1982 foreign fishing permits that authorize receipt of U.S.-Harvested Pacific whiting in the FCZ off Washington, Oregon, and California. The application requested permit amendments to allow Soviet vessels to receive 1,000 metric tons (mt) of shortbelly rockfish, plus by-catch, in an area near 37°00' N. latitude. That area is now closed to foreign whiting fishing operations, but open to the U.S. fishery for shortbelly rockfish.

The Assistant Administrator for Fisheries consulted with designated representatives of the Department of State, the U.S. Coast Guard, and the Pacific Fishery Management Council (Council). Issuance of the amended permits was recommended by the Council and endorsed by the

Department of State and U.S. Coast Guard subject to certain permit conditions regarding by-catch, areas of operation, and conditioned upon a Secretarial determination that U.S. processors' use of shortbelly rockfish in 1982 will be less than the estimate of domestic annual harvest (DAH).

The Regional Director conducted a survey of domestic shore-based processors and found that, although the domestic capacity existed to process the entire 10,000 mt OY of shortbelly rockfish, all of which will be harvested by U.S. fishermen, U.S. processors do not intend to use that amount, contrary to their expectations earlier in the year. Because domestic annual processing (DAP) is not expected to exceed 9,000 mt in 1982, 1,000 mt of the total DAH of shortbelly rockfish will not be used by U.S. fish processors and is available for joint venture processing (JVP). Final issuance of the amended foreign fishing permits will be subject to normal administrative procedures. Conditions governing this fishery will be stated in the amended foreign fishing permits.

List of Subjects in 50 CFR Part 611

Fish, fisheries, Foreign relations, Reporting requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: August 27, 1982.

William G. Gordon,

Assistant Administrator, National Marine Fisheries Service.

[FR Doc. 82-23286 Filed 8-31-82; 8:45 am]

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