

Washington Headquarters Services,
Pentagon, Washington, DC 20301,
telephone (703) 697-4111.

Dated: May 14, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 91-11852 Filed 5-17-91; 8:45 am]

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Department of the Navy

32 CFR Part 706

**Certifications and Exemptions Under
the International Regulations for
Preventing Collisions at Sea, 1972;
Amendment**

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 Judge Advocate General of the Navy has determined that USS ALEXANDRIA (SSN 757) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval submarine. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 19, 1991.

FOR FURTHER INFORMATION CONTACT:
Captain R.R. Rossi, JAGC, U.S. Navy,

Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (703) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS ALEXANDRIA (SSN 757) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: rule 21(c), pertaining to the arc of visibility of the sternlight; annex I, section 2(a)(i), pertaining to the height of the masthead light; annex 1, section 2(k), pertaining to the height and relative positions of the anchor lights; and annex 1, section 3(b), pertaining to the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS ALEXANDRIA (SSN 757) is a member of the SSN-688 class of vessels for which certain exemptions, pursuant to 72 COLREGS, rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables

of § 706.3, are equally applicable to USS ALEXANDRIA (SSN 757).

Moreover, it has been determined, in accordance with 32 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 this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table One of § 706.2 is amended by adding the following vessel:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i), Annex I
USS ALEXANDRIA.....	SSN 757	3.5

3. Table Three of § 706.2 is amended by adding the following vessel:

Vessel	Number	Masthead lights, arc of visibility; Rule 21(a)	Side lights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Side light, distance inboard of ship's sides in meters; § 3(b), Annex I	Stern light distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; § 2(k), Annex I	Anchor lights, relationship of aft light of forward light in meters; § 2(k), Annex I
USS ALEXANDRIA.....	SSN-757			205°	4.2	6.2	3.5	1.7 below.

W.L. Schachte, Jr.,

Deputy Judge Advocate General.

Approved: April 19, 1991.

Dated: April 19, 1991.

[FR Doc. 91-11482 Filed 5-17-91; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 489

[BPD-484-CN]

Medicare Program; OBRA '87 Conforming Amendments; Correction

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

ACTION: Final rule; correction.

SUMMARY: Federal Register document No. 91-4415, beginning on page 8832 of the issue of Friday March 1, 1991, conformed numerous sections of the HCFA regulations with self-executing provisions of the Omnibus Budget Reconciliation Act of 1987. A one-page revision, dealing with the application of the Medicare blood deductible, was unintentionally omitted from column 2 of page 8852, where only the heading "P. Part 489" appears.

Also omitted was a conforming change needed in § 482.12(c)(1)(iv) to reflect the amendment made by section 9336(a) of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509). Section 9336(a) removed the provision that limited Medicare coverage of optometrist services to services related to the condition of aphakia. This means that any optometrist services permitted by State medical practice laws are now covered.

This notice corrects the omissions by publishing the amendment to part 489, which was discussed in section "D" of the preamble in the first column of page 8834, and including the revision of § 482.12(e)(1)(iv). The notice also makes numerous other minor corrections.

FOR FURTHER INFORMATION CONTACT:

Luisa V. Iglesias, (202) 245-0383.

SUPPLEMENTARY INFORMATION:

Correction 11 simply makes it easier to understand the requirement by breaking down a very complex sentence and reducing the number of internal cross-references.

Corrections

1. On page 8839, column 2, in the first amendatory instruction, "below." is changed to "above."

2. On page 8840, column 2, in § 409.19(b), "will deny" is changed to "denies".

3. On page 8840, column 3, in § 410.2, in the definition of "Partial hospitalization services", the designation "(a)" is removed, the first word "A" is lower-cased, and the text is run together.

4. On page 8841, column 1, in § 410.2(a)(3)(iv), "biological" is changed to "biologicals".

5. On page 8843, column 2, in § 416.1(a)(2), line 4, "and" is changed to "an".

6. On page 8843, column 2, in § 416.2, in the definition of "Ambulatory surgical center," the phrase "has an agreement with HCFA under Medicare to participate as an ASC" is changed to "has an agreement with HCFA to participate in Medicare as an ASC".

7. On page 8844, column 3, in § 416.120(a) "will be" is changed to "is".

8. On page 8847, column 1, in the Subpart B table of contents heading, "Requirement" is changed to "Requirements".

9. On page 8847, column 1, in § 431.50(b), "must be met:" is changed to "are met:".

10. On page 8851, column 3, in § 441.10(f), "(§§ 441.35 and 441.25)" is added at the end, before the period.

11. On page 8852, column 1, in § 482.12, the following changes are made:

a. The following revision of § 482.12(c)(1)(iv) is inserted:

(iv) A doctor of optometry who is legally authorized to practice optometry by the State in which he or she practices.

b. Paragraph (c)(4) is revised to read as follows:

(4) A doctor of medicine or osteopathy is responsible for the care of each Medicare patient with respect to any medical or psychiatric problem that—

(i) Is present on admission or develops during hospitalization; and

(ii) Is not specifically within the scope of practice of a doctor of dental surgery, dental medicine, podiatric medicine or optometry, or a chiropractor, as that scope is—

(A) Defined by the medical staff;

(B) Permitted by State law; and

(C) Limited, under paragraph (c)(1)(v) of this section, with respect to chiropractors.

12. On page 8852, column 2, under the heading "P. Part 489", the following omitted amendment is inserted:

P. PART 489—PROVIDER AGREEMENTS UNDER MEDICARE

1. The authority citation continues to read as follows:

Authority: Secs. 1102, 1861, 1864(m), 1866, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395x, 1395aa(m), 1395cc, and 1395hh).

2. Section 489.31 is revised to read as follows:

§ 489.31 Allowable charges: Blood.

(a) *Limitations on charges.*

(1) A provider may charge the beneficiary (or other person on his or her behalf) only for the first three pints of blood or units of packed red cells furnished under Medicare Part A during a benefit period, or furnished under Medicare Part B during a calendar year.

(2) The charges may not exceed the provider's customary charges.

(3) The provider may not charge for any whole blood or packed red cells in any of the circumstances specified in § 409.87(c)(2) of this chapter.

(b) *Offset for excessive charges.*

If the charge exceeds the cost to the provider, that excess will be deducted from any Medicare payments due the provider.

13. On page 8852, column 3, in amendatory instruction 7(a), "§ 410.63" is changed to "§ 410.61".

14. On page 8852, column 3, in amendatory instruction 8, "§ 410.63" is changed to "410.61".

15. On page 8854, column 1, in the bracketed statement that follows "§ 424.25", and in amendatory instruction 20, "§ 410.63" is changed to "§ 410.61".

16. On page 8854, column 1, in amendatory instruction 24, "disease" is changed to "diseases".

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance; Program No. 13.773, Medicare—Hospital Insurance; Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: May 8, 1991.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 91-11808 Filed 5-17-91; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6858

[MT-930-4214-10; MTM 066181, MTM 41231, MTM 41504]

Partial Revocation of Public Land Order No. 3606 and Opening of Land Subject to Section 24 of the Federal Power Act; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order insofar as it affects 20 acres of land withdrawn for the Bureau of Land Management's Madison River Recreation Sites. It also opens, subject to the provisions of section 24 of the Federal Power Act of 1920, 29.15 acres of land withdrawn for Powersite Reserve No. 184 and Powersite Classification No. 334. This land has been and will remain open to mineral leasing. Approximately 9.15 acres has been open to the operation of the United States mining laws and 20 acres will be opened to mining under the provisions of the Mining Claims Rights Restoration Act of 1955. The revocation and opening are needed to permit disposal of the land through exchange.

EFFECTIVE DATE: June 19, 1991.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2935.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and section 24 of the Act of June 10, 1920, as amended, 41 Stat.

1075; 49 Stat. 275; 16 U.S.C. 818, and pursuant to the determinations by the Federal Energy Regulatory Commission in DVMT-236 and DVMT-238, it is ordered as follows:

1. Public Land Order No. 3606 which withdrew land for the Bureau of Land Management's Madison River Recreation Sites is hereby revoked insofar as it affects the following described land:

Principal Meridian

(MTM 066181)

T. 10 S., R. 1 E.,

Sec. 6, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 20 acres in Madison County.

2. The following described land withdrawn by the Executive Order dated April 19, 1912, creating Powersite Reserve No. 184 will be opened to disposal by land exchange subject to provisions of section 24 of the Federal Power Act:

Principal Meridian

(MTM 41231)

T. 10 S., R. 1 E.,

Sec. 6, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 20 acres in Madison County.

3. The following described land withdrawn by the Executive Order dated February 18, 1943, creating Powersite Classification No. 334 will be opened to disposal by land exchange subject to provisions of section 24 of the Federal Power Act:

Principal Meridian

(MTM 41504)

T. 7 S., R. 7 E.,

Sec. 20, lot 11, formerly described as part of E $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described contains 9.15 acres in Park County.

4. At 9 a.m. on June 19, 1991, all the land described in paragraphs 1, 2, and 3 will be opened to disposal by land exchange under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), subject to valid existing rights, the provisions of existing withdrawals, the provisions of section 24 of the Federal Power Act, as amended (16 U.S.C. 818), and the requirements of applicable law.

5. At 9 a.m. on June 19, 1991, the land described in paragraph 1 will be opened to location and entry under the United States mining laws, subject to the provisions of the Act of August 11, 1955 (30 U.S.C. 621 *et seq.*), and to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of

the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-11816 Filed 5-17-91; 8:45 am]

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[AK-932-4214-10; AA-62900, AA-62914]

43 CFR Public Land Order 6860

Revocation of Powersite Classification No. 203, as Modified, and Powersite Classification No. 415, for Selection of Land by the State of Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes, in their entirety, two Powersite Classifications which withdrew approximately 955 acres of public land for power purposes in the Sheep Creek area, near Juneau. The land is no longer needed for the purpose for which it was withdrawn. This action also opens the land for selection by the State of Alaska, if such land is otherwise available. Any land described herein that is not conveyed to the State will be subject to the terms and conditions of withdrawals of record.

EFFECTIVE DATE: May 20, 1991.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), and by section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1) (1988), it is ordered as follows:

1. Powersite Classification No. 203, as Modified, and Powersite Classification No. 415, which withdrew public land for power purposes in the Sheep Creek

area, near Juneau, are hereby revoked in their entirety:

Copper River Meridian

Tps. 41 and 42 S., R. 68 E., (unsurveyed).

Powersite Classification No. 203 (AA-62900).

All land within 1,000 feet of Sheep Creek, Alaska, from its mouth to a point about 2.3 miles upstream, said point being 1,800 feet S. 70° E. of U.S.L.M. 3A, excepting land within U.S. Survey No. 2572 and the strip of adjacent land approximately 300 feet wide comprising the area between the southeast boundary of Survey 2572 and the southeast boundary of this reservation; Sheep Creek being a stream from the mainland emptying into Gastineau Channel about 4 miles southeast of Juneau.

The area described contains approximately 495 acres.

Powersite Classification No. 415 (AA-62914).

All land within 1,500 feet of Sheep Creek, Alaska, from its mouth to a point about 3.2 miles upstream, said point being approximately 6,000 feet S. 60° E. of U.S.L.M. 3A, excepting land included in Modification No. 420 of Powersite Classification No. 203, approved June 28, 1947, and the strip of land lying between Boundary Line 2-3 of U.S. Survey No. 2572 extended, and the Gastineau Channel, and extending southeasterly from Boundary Line 3-4 of U.S. Survey No. 2572 to the southeast boundary of the reserve; Sheep Creek being a stream from the mainland emptying into Gastineau Channel about four miles southeast of Juneau, Alaska.

The area described contains approximately 460 acres. The areas described aggregate a total of approximately 955 acres.

2. Subject to valid existing rights, and other withdrawals of record, the land described above is hereby opened to selection by the State of Alaska under either the Alaska Statehood Act of July 7, 1958, 48 U.S.C. prec. 21 (1988), or section 906(b) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(b) (1988).

3. The State of Alaska selection made under section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1988), becomes effective without further action by the State upon publication of this public land order in the *Federal Register*, if such land is otherwise available. Land not conveyed to the State will be subject to the terms and conditions of withdrawals of record.

Dated: May 14, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-11890 Filed 5-17-91; 8:45 am]

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