

subpart, regulations at 20 CFR, part 404, subparts J and R, (pertaining respectively to conduct of hearings and representation of parties under title II of the Act) are applicable under this subpart.

§ 417.628 [Removed]

4. Section 417.628 is removed.

5. In § 417.632, paragraphs (c) and (d) are revised to read as follows:

§ 417.632 Request for hearing.

* * * * *

(c) *Parties to a hearing.* (1) The parties to a hearing must be the parties to the reconsideration and any other person or entity whose rights with respect to the reconsideration may be affected by the hearing, as determined by the ALJ.

(2) The HMO or CMP must be made a party to the hearing but does not have a right to request a hearing.

(d) *ALJ action when the amount in controversy is less than \$100.* (1) If the request plainly shows that the amount in controversy is less than \$100, the ALJ dismisses the request.

(2) If, after a hearing is initiated, the ALJ finds that the amount in controversy is less than \$100, he or she discontinues the hearing and does not rule on the substantive issues raised in the appeal.

F. Subpart R is amended as set forth below.

Subpart R—Medicare Contract Appeals

§ 417.644 [Amended]

1. In § 417.644, the following changes are made:

a. In paragraph (a), “will notify the HMO or CMP in writing” is revised to read “gives the HMO or CMP written notice”.

b. In paragraph (c), “Notice of an initial determination specified in § 417.640 is mailed to the HMO or CMP” is revised to read “HCFA mails the notice to the HMO or CMP”.

2. Section 417.648 is revised to read as follows:

§ 417.648 Reconsideration: Applicability.

(a) Reconsideration is the first step for appealing an organization determination specified in § 417.640 (a) or (b).

(b) HCFA reconsiders either of the specified determinations if the HMO or CMP files a written request in accordance with § 417.650.

§ 417.652 [Amended]

3. In § 417.652, “will provide” is revised to read “provides”.

4. Section 417.656 is revised to read as follows:

§ 417.656 Notice of reconsidered determination.

(a) HCFA gives the parties written notice of the reconsidered determination.

(b) The notice—

(1) Contains findings with respect to the HMO’s or CMP’s qualifications to enter into a contract with HCFA under section 1876 of the Act;

(2) States the specific reasons for the reconsidered determination; and

(3) Informs the party of its right to a hearing if it is dissatisfied with the determination.

§ 417.666 [Amended]

5. In § 417.666, “will designate” is revised to read “designates”.

§ 417.668 [Amended]

6. In § 417.668, “will designate” is revised to read “designates”.

§ 417.670 [Amended]

7. In § 417.670, the following changes are made:

a. In paragraph (a), “will fix”, “send”, and “must also inform” are revised to read “fixes”, “sends”, and “also informs”, respectively.

b. In paragraph (c), “any change in time or place or of adjournment” is revised to read “any change in time or place of hearing, or of adjournment or postponement”.

§ 417.676 [Amended]

8. In § 417.676, the following changes are made:

a. In paragraph (a), “will be open” is revised to read “is open”.

b. In paragraph (b), “will inquire” is revised to read “inquires”, and “must receive” is revised to read “receives”.

c. In paragraph (c), “The parties will be provided” is revised to read “The hearing officer provides the parties”.

d. In paragraph (d), “will decide” is revised to read “decides”.

§ 417.678 [Amended]

9. In § 417.678, “will rule” is revised to read “rules”.

§ 417.680 [Amended]

10. In § 417.680, paragraph (b), “will be” is revised to read “are”.

§ 417.682 [Amended]

11. In § 417.682, in paragraphs (a) and (c), “will be” is revised to read “is”.

§ 417.686 [Amended]

12. In § 417.686, in paragraph (a), “will be” is revised to read “is”.

§ 417.690 [Amended]

13. In § 417.690, the following changes are made:

a. In paragraph (a), “will issue” is revised to read “issues”.

b. In paragraph (b), “will provide” is revised to read “provides”.

§ 417.692 [Amended]

14. In § 417.692, the following changes are made:

a. In paragraph (c)(1), “will be” is revised to read “is”.

b. In paragraph (c)(2), “will specify” is revised to read “specifies”.

§ 417.694 [Amended]

15. In § 417.694, “final and binding” is revised to read “binding”.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: July 31, 1995.

Bruce C. Vladeck,
Administrator, Health Care Financing Administration.

[FR Doc. 95–21695 Filed 9–5–95; 8:45 am]

BILLING CODE 4120–01–P

NATIONAL SCIENCE FOUNDATION

45 CFR Part 670

Conservation of Antarctic Animals and Plants

AGENCY: National Science Foundation.

ACTION: Final rule with request for comments.

SUMMARY: The National Science Foundation is amending its regulations to designate additional Antarctic Specially Protected Areas, to redesignate one site as a Specially Protected Area which was formerly designated as a Site of Special Scientific Interest, and to revise the designations of Specially Protected Areas consistent with Antarctic Treaty Consultative meeting recommendations. These regulations, issued pursuant to section 6(b)(3) of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405(b)(3)), are being revised to reflect recommendations adopted by the Antarctic Treaty parties at the 16th Antarctic Consultative Meeting.

EFFECTIVE DATE: September 6, 1995.

ADDRESSES: Comments should be sent to Joyce A. Jatko, Office of Polar Programs, Room 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

FOR FURTHER INFORMATION CONTACT: Joyce A. Jatko at the address above or by telephone at (703) 306–1030.

SUPPLEMENTARY INFORMATION: Since these regulations were originally issued

in 1979, several Antarctic Treaty Consultative Meetings have been held in accordance with Article IX of the Antarctic Treaty. The regulations have been amended from time to time based on recommendations adopted at these meetings. The amendments that are the subject of this rule implement recommendations XVI-4, XVI-8 and XVI-9 of the 16th Antarctic Treaty Consultative Meeting (16th ATCM). Because the amendments merely implement recommendations adopted at the 16th ATCM, public comments were not obtained before making the amendment effective.

The recommendations which are the subject of this amendment are as follows:

Recommendation XVI-4 re-designates Site of Special Scientific Interest No. 30, Avian Island, Marguerite Bay, Antarctic Peninsula as Specially Protected Area No. 21 and provides that it be subject to the management plan accompanying the description of the protected area.

Recommendation XVI-8 provides that Cryptogram Ridge, Mount Melbourne, Victoria Land, be designated as Specially Protected Area No. 22 and be subject to the management plan annexed thereto.

Recommendation XVI-9 provides that Forlidas Pond and Davis Valley Ponds be designated as Specially Protected Area No. 23 and be subject to the management plan annex thereto.

Specially Protected Area No. 21: Avian Island (67°46' S, 68°54' W) lies 0.25 km south of the south-west tip of Adelaide Island in north-west Marguerite Bay, south-west Antarctic Peninsula. The Area consists of Avian Island together with its littoral zone. It is 1.45 km long by 0.8 km at its widest (total area about 49 ha), and rises to just over 40 m altitude in the south. It is almost entirely ice-free in summer. There are several shallow melt pools, the largest being on the eastern raised beach terrace. There are two small dilapidated refuge huts, one near the north-west and the other near the mid-east shores of the island. The Area is unique in the Antarctic Peninsula region for its abundance and diversity of breeding seabirds. The Blue-eyed shag colony is one of the largest known in the Antarctic, and the Adelie penguin colony is the largest on the Antarctic Peninsula.

Specially Protected Area No. 22: Mount Melbourne (74°21' S, 164°42' W) lies between Wood Bay and Campbell Glacier, northern Victoria Land, on the western side of the Ross Sea. The Area includes most of Cryptogram Ridge on the southern rim of the main summit crater (2,733 m altitude), and extends to

about 1,200 m by 500 m. Geothermal activity occurs along about 300-400 m of the ridge and is marked by discontinuous areas of ice-free ground, surrounded by numerous ice hummocks up to 1 m high and scattered hollow ice towers up to several meters in diameter and 4 m high. The warm ice-free areas are mostly gently sloping with narrow terraces up to 1.5 m wide. The geothermal ground within the Area supports a unique community of bryophytes, algae and microbiota, including the only known occurrence in the Antarctic of the moss *Campylopus pyriformis*.

Specially Protected Area No. 23: Forlidas Pond, about 100 m in diameter, is situated near the east end of the Dufek Massif in a small unnamed dry valley about 1 km to the east of the northern edge of the Forlidas Ridge and about 1 km northwest of Davis Valley. The unnamed dry valley is separated from Davis Valley by a northeast trending ridge several kilometers long. The position of Forlidas Pond is 82°27'15" S, 15°21' W. The Area includes smaller ponds that occur along the ice margin at the northern edge of Davis Valley, a short distance east of Forlidas Pond. The Area consists of two parts about 500 meters apart and includes all that area within 500 m of the center of Forlidas Pond and all that area within a 500 m radius of several meltwater ponds at the ice margin along the northern edge of Davis Valley. The Area contains some of the most southerly freshwater ponds known in Antarctica containing plant life.

Determinations

I have determined, under the criteria set forth in Executive Order 12866, that this rule is not a significant regulatory action requiring review by the Office of Information and Regulatory Affairs. I have also determined that this rule involves a foreign affairs function of the United States and is, therefore, exempt from the notice requirements of section 553 of the Administrative Procedure Act and from regulatory flexibility analysis requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612. Finally, I have reviewed this rule in light of section 2 of Executive Order 12778 and certify for the National Science Foundation that this rule meets the applicable standards provided in sections 2(a) and 2(b) of that order.

List of Subjects in 45 CFR Part 670

Antarctica, Conservation.

Pursuant to the authority granted by 16 U.S.C. 2405(b)(3), NSF hereby amends 45 CFR Part 670 as set forth below.

PART 670—[AMENDED]

1. The authority citation for Part 670 continues to read as follows:

Authority: 16 U.S.C. 2405, as amended.

2. Section 670.30 is revised to read as follows:

§ 670.30 Designation of specially protected areas.

The Act states that the Director shall designate as a specially protected area, each area identified under the Agreed Measures as needing special protection. The following areas have been so identified and designated as Specially Protected Areas:

- (a) SPA 1, Taylor Rookery, MacRobertson Land
- (b) SPA 2, Rookery Islands, Holme Bay
- (c) SPA 3, Ardrey Island and Odbert Island, Budd Coast
- (d) SPA 4, Sabrina Island, Balleny Islands
- (e) SPA 5, Beaufort Island, Ross Sea
- (f) SPA 7, Cape Hallett, Victoria Land
- (g) SPA 8, Dion Islands, Marguerite Bay, Antarctic Peninsula
- (h) SPA 9, Green Island, Berthelot Islands, Antarctic Peninsula
- (i) SPA 13, Moe Island, South Orkney Islands
- (j) SPA 14, Lynch Island, South Orkney Islands
- (k) SPA 15, Southern Powell Island and adjacent islands, South Orkney Islands
- (l) SPA 16, Coppermine Peninsula, Robert Island
- (m) SPA 17, Litchfield Island, Arthur Harbor, Palmer Archipelago
- (n) SPA 18, North Coronation Island, South Orkney Islands
- (o) SPA 19, Lagotellerie Island, Marguerite Bay
- (p) SPA 20, 'New College Valley', Caughley Beach, Cape Bird, Ross Island
- (q) SPA 21, Avian Island, North-west Marguerite Bay
- (r) SPA 22, Cryptogram Ridge, Mount Melbourne, Victoria Land
- (s) SPA 23, Forlidas Pond and Davis Valley Ponds

Note: Maps specifying these areas in greater detail may be obtained from the Director.

§ 670.34 [Amended]

3. Section 670.34 is amended by removing paragraph (b)(30) and redesignating paragraphs (b)(31)-(b)(36) as paragraphs (b)(30)-(b)(35).

Dated: August 18, 1995.

Lawrence Rudolph,

General Counsel, National Science Foundation.

[FR Doc. 95-21978 Filed 9-5-95; 8:45 am]

BILLING CODE 7555-01-P