

no regulatory impact analysis is required.

List of Subjects

20 CFR Part 702

Administrative practice and procedure, Claims, Insurance, Longshoremen, Vocational rehabilitation, and Workers' compensation.

20 CFR Part 703

Insurance, Longshoremen, Workers' compensation.

For the reasons set out in the preamble, part 702 and 703 of chapter VI of title 20 of the Code of Federal Regulations are amended as follows:

Subchapter A—Longshore and Harbor Workers' Compensation Act and Related Statutes

1. The authority citation for Part 702 and 703 are revised to read as follows:

Authority: 5 U.S.C. 301, 8171 et seq., Reorganization Plan No. 6 of 1950, 15 FR 3174, 3 CFR. 1949–1953, Comp. p. 1004, 64 Stat. 1263; 33 U.S.C. 939; 36 D.C. Code 501 et seq., 42 U.S.C. 1651 et seq., 43 U.S.C. 1331. Secretary's Order 1–93, 58 FR 21190.

PART 702—ADMINISTRATION AND PROCEDURE

§ 702.101 [Removed]

2. Section 702.101 removed and reserved.

3. Section 702.102 is amended by revising the section heading, and paragraphs (a) and (b) are redesignated as paragraphs (b) and (c) and a new paragraph (a) is added to read as follows:

§ 702.102 Establishment and modification of compensation districts, establishment of suboffices and jurisdictional areas.

(a) The Director has, pursuant to section 39(b) of the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 939(b), established compensation districts as required for improved administration or as otherwise determined by the Director (see 51 FR 4282, Feb. 3, 1986). The boundaries of the compensation districts may be modified at any time, and the Director shall notify all interested parties directly by mail of the modifications.

(b) * * *

(c) * * *

§ 702.224 [Amended]

4. Section 702.224 is amended by removing the word "certified."

§ 702.243 [Amended]

§ 702.316 [Amended]

5. Sections 702.243(b) and 702.316 are amended by removing the words "by certified mail."

6. Section 702.413 is revised to read as follows:

§ 702.413 Fees for medical services; prevailing community charges.

All fees charged by medical care providers for persons covered by this Act shall be limited to such charges for the same or similar care (including supplies) as prevails in the community in which the medical care provider is located and shall not exceed the customary charges of the medical care provider for the same or similar services. Where a dispute arises concerning the amount of a medical bill, the Director shall determine the prevailing community rate using the OWCP Medical Fee Schedule (as described in 20 CFR 10.411) to the extent appropriate, and where not appropriate, may use other state or federal fee schedules. The opinion of the Director that a charge by a medical care provider disputed under the provisions of section 702.414 exceeds the charge which prevails in the community in which said medical care provider is located shall constitute sufficient evidence to warrant further proceedings pursuant to section 702.414 and to permit the Director to direct the claimant to select another medical provider for care to the claimant.

7. In section 702.414, paragraphs (a) and (c) are revised to read as follows:

§ 702.414 Fees for medical services; unresolved disputes on prevailing charges.

(a) The Director may, upon written complaint of an interested party, or upon the Director's own initiative, investigate any medical care provider or any fee for medical treatment, services, or supplies that appears to exceed prevailing community charges for similar treatment, services or supplies or the provider's customary charges. The OWCP medical fee schedule (see section 702.413) shall be used by the Director, where appropriate, to determine the prevailing community charges for a medical procedure by a physician or hospital (to the extent such procedure is covered by the OWCP fee schedule). The Director's investigation may initially be conducted informally through contact of the medical care provider by the district director. If this informal investigation is unsuccessful further proceedings may be undertaken. These proceedings may include, but not be limited to: an informal conference involving all interested parties; agency

interrogatories to the pertinent medical care provider; and issuance of subpoenas duces tecum for documents having a bearing on the dispute.

(1) A claim by the provider that the OWCP fee schedule does not represent the prevailing community rate will be considered only where the following circumstances are presented:

(i) where the actual procedure performed was incorrectly identified by medical procedure code;

(ii) that the presence of a severe or concomitant medical condition made treatment especially difficult;

(iii) the provider possessed unusual qualifications (board certification in a specialty is not sufficient evidence in itself of unusual qualifications); or

(iv) the provider or service is not one covered by the OWCP fee schedule as described by 20 CFR 10.411(d)(1).

(2) The circumstances listed in paragraph (a)(1) of this section are the only ones which will justify reevaluation of the amount calculated under the OWCP fee schedule.

(b) * * *

(c) After any proceeding under this section the Director shall make specific findings on whether the fee exceeded the prevailing community charges (as established by the OWCP fee schedule, where appropriate) or the provider's customary charges and provide notice of these findings to the affected parties.

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PART 703—INSURANCE REGULATIONS

§ 703.12 [Removed]

8. Section 703.121 is removed.

Signed at Washington, DC, this 22d day of September 1995.

Ida L. Castro,

Deputy Assistant Secretary for Workers' Compensation Programs.

[FR Doc. 95–24078 Filed 9–29–95; 8:45 am]

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DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Hearing Examiner Review Function

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is changing the title of the agency official who is charged, by regulation,

with the duty of reviewing the recommended decision of the hearing examiner who conducts a parole hearing, and with casting the vote that forms a panel recommendation to the Regional Commissioner. The current regulation refers to this official as the Regional Administrator. In anticipation of the closing of the U.S. Parole Commission's regional offices and the consolidation of its operational staff, the title of Regional Administrator is changed to Executive Hearing Examiner. **EFFECTIVE DATE:** January 31, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela A. Posch, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815. Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: With the anticipated elimination of the U.S. Parole Commission's regional office structure, it will be necessary for the Commission to change the title, and some of the administrative functions, of the senior hearing examiners who currently serve as Regional Administrators. However, for the decisionmaking function described at 28 CFR 2.23, the role of the Regional Administrator will not change. Thus, the substitution of the title Executive Hearing Examiner for "Regional Administrator" in 28 CFR 2.23 reflects agency structural changes that are outside the scope of the function described by that regulation. The Executive Hearing Examiner will continue to provide, for each case to be decided by the Commission, the review and participation of a senior hearing examiner before a panel recommendation is finalized.

Implementation

This rule change will take effect upon the anticipated closing of the Commission's regional office, and the consolidation of agency operational staff at the Commission's Chevy Chase, Maryland Headquarters. Thereafter, Regional Commissioners will continue to decide cases arising in each Commissioner's respective region. However, Regional Commissioners will be served by a centralized operations staff.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a significant rule within the meaning of Executive Order 12866, and the rule has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant

economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Probation and parole, Prisoners.

Accordingly, the U.S. Parole Commission adopts the following amendment to 28 CFR part 2:

Text of the Final Rule

PART 2—[AMENDED]

(1) The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.23 [Amended]

(2) 28 CFR Part 2, § 2.23 is amended by deleting the words "Regional Administrator" and substituting "Executive Hearing Examiner" wherever the words "Regional Administrator" appear.

Dated: September 21, 1995.

Jasper R. Clay, Jr.,

Vice Chairman, U.S. Parole Commission.

[FR Doc. 95-24195 Filed 9-29-95; 8:45 am]

BILLING CODE 4410-01-P

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Modification of Parole Conditions

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is revising the regulation that describes the statutory procedure that the Commission must follow whenever it changes a parolee's conditions of parole. The current regulation omits reference to an important exception to the statutory requirement that each parolee be given ten days to comment on any modification of the conditions of parole before it goes into effect. The Commission may waive the ten-day notice procedure when it determines that an immediate modification of the conditions of parole is necessary to prevent harm to the parolee or the public. Although the Commission presently has the statutory authority to apply this exception, and does so when circumstances warrant, the Commission has determined that its regulation should be amended to describe this authority.

EFFECTIVE DATE: November 1, 1995.

FOR FURTHER INFORMATION CONTACT: Pamela A. Posch, Office of General

Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815. Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: In 1976, Congress enacted 18 U.S.C. 4209, which authorizes the Commission to impose conditions of parole, and to modify those conditions provided that notice is given to the parolee, and ten days to provide comment, before such modification takes effect. The ten-day notice provision could only be waived following a revocation hearing, or in response to a request by the parolee. In 1986, Congress amended 18 U.S.C. 4209 to permit the Parole Commission to waive the ten-day notice provision whenever necessary to prevent immediate harm to the parolee or the public.

The Parole Commission has made use of that statutory authority to order modifications of parole conditions when urgently needed to protect the public safety. However, the Commission did not amend its regulation at 28 CFR 2.40(g), in order to update the description of the Commission's statutory authority that is contained in that regulation. The revised regulation promulgated herein corrects that omission.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a significant rule within the meaning of Executive Order 12866, and the rule has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

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Accordingly, the U.S. Parole Commission adopts the following amendment to 28 CFR Part 2:

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. 28 CFR Part 2, § 2.40(g) is revised to read as follows:

§ 2.40 Conditions of release.

* * * * *

(g) The ten-day notice provision of paragraph (b) of this section shall not