

58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established under FFDCA section 408 (l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

#### X. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory

Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects

##### 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

##### 40 CFR Part 185

Environmental protection, Food additives, Pesticides and pests.

##### 40 CFR Part 186

Environmental protection, Animal feeds, Pesticides and pests.

Dated: September 16, 1997.

**James Jones,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

#### PART 180—[AMENDED]

##### 1. In part 180:

a. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

b. Section 180.421 is amended as follows:

i. By adding a heading to paragraph (a) and designating the existing text as paragraph (a)(1).

ii. By redesignating paragraph (b) as paragraph (a)(2) and by adding a new paragraph (b).

iii. By adding and reserving paragraphs (c) and (d).

Section 180.421, as amended, reads as follows:

#### § 180.421 Fenarimol; tolerances for residues.

(a) *General.* \* \* \*

(b) *Section 18 emergency exemptions.* A time-limited tolerance is established for residues of the fungicide fenarimol in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerance will expire and be revoked on the date specified in the following table:

Commodity	Parts per million	Expiration/Revocation Date
Hops .....	5	December 31, 1998

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

#### PART 185—[AMENDED]

##### 2. In part 185:

a. The authority citation for part 185 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 348.

##### § 185.3200 [Removed]

##### b. In § 185.3200:

i. The entries in the table are transferred and alphabetically added to the table in paragraph (a)(2) of § 180.421.

ii. The remainder of § 185.3200 is removed.

#### PART 186—[AMENDED]

##### 3. In part 186:

a. The authority citation for part 186 continues to read as follows:

**Authority:** 21 U.S.C. 342, 348, and 701.

##### § 186.3200 [Removed]

##### b. In § 186.3200:

i. The entry in the table of paragraph (a) is transferred and alphabetically added to the table in paragraph (a)(1) of § 180.421.

ii. The entries in the table of paragraph (b) are transferred and alphabetically added to the table in paragraph (a)(2) of § 180.421.

iii. The remainder of § 186.3200 is removed.

[FR Doc. 97-25235 Filed 9-23-97; 8:45 am]

BILLING CODE 6560-50-F

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Health Care Financing Administration

##### 42 CFR Part 473

[BPD-453-CN]

Rin 0938-AG18

#### Medicare Program; Medicare Appeals of Individual Claims; Correction

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

**ACTION:** Correction to final regulation.

**SUMMARY:** In the May 12, 1997 issue of the **Federal Register**, we published a regulation titled, "Medicare Appeals of Individual Claims, BPD-453-FC." That final rule concerned individual claims appeals under part A and part B. We made an error in that regulation and this document corrects that error.

**EFFECTIVE DATES:** This correction is effective June 11, 1997.

**FOR FURTHER INFORMATION CONTACT:** Morton Marcus, (410) 786-4477.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 12, 1997 (62 FR 25844) we published a final rule with comment period that expanded our regulations to recognize the right of Medicare Part B appellants to a hearing before an administrative law judge (ALJ) for claims if at least \$500 remains in dispute and the right to judicial review of an adverse ALJ decision if at least \$1,000 remains in controversy. That rule also codified limitations on the review by ALJs and the courts of certain national coverage determinations and the statutory authority for an expedite appeals process under part A and part B. Finally, we made a number of technical conforming amendments.

*Need for Correction*

On page 25855, in the second and third columns we provided a number of technical amendments. Amendment number 8, beginning at the bottom of column 2, was intended to correct wording in § 473.38 which concerns Peer Review Organization reconsidered decisions. Amendment 8(b) incorrectly calls for deletions of a phrase from paragraph (a) of § 473.38, whereas the phrase actually occurs in the undesignated introductory material of that section. Accordingly, we are making the following correction to document 97-12263 appearing in the **Federal Register** of May 12, 1997.

**§ 473.38 [Corrected]**

On page 25855 the first two lines of column 3 are corrected to read as follows:

“(b) In the undesignated introductory material, the words ‘final and’ are removed.”

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 18, 1997.

**Neil J. Stillman,**

*Deputy Assistant Secretary for Information Resource Management.*

[FR Doc. 97-25344 Filed 9-23-97; 8:45 am]

BILLING CODE 4120-01-M

**NATIONAL SCIENCE FOUNDATION**

**45 CFR Part 650**

**Minor Amendments To Rule on Inventions and Patents Resulting From Grants, Cooperative Agreements, and Contracts**

**AGENCY:** National Science Foundation.

**ACTION:** Final rule with request for comments.

**SUMMARY:** This action amends the NSF Patents regulation to permit grantee to use an electronic reporting and management system for inventions made with NSF assistance.

**DATES:** This revision is effective September 24, 1997. Comments, however, are welcome and will be considered in making future revisions.

**ADDRESSES:** All comments should be addressed to: NSF Patent Assistant, Office of the General Counsel, National Science Foundation 4201 Wilson Boulevard, Arlington, VA 22230.

**FOR FURTHER INFORMATION CONTACT:** Teresa L. Hamm-Wooten, NSF Patent Assistant, on (703) 306-1060 (voice), (703) 306-0149 (facsimile), or [patents@nsf.gov](mailto:patents@nsf.gov).

**SUPPLEMENTARY INFORMATION:** This amendment revises the current NSF patent regulation published as part 650 of title 45 of the Code of Federal Regulations to permit NSF grantees to use the Edison Invention Information Management System maintained by the National Institutes of Health to handle NSF-assisted inventions. The only change for grantees who do not choose to use Edison is that they will be required to submit to the NSF Patent Assistant a copy of the page of the United States patent application that contains the Federal support clause required by paragraph (f)(4) of the standard Patent Rights clause in section 650.4(a) along with a confirmation of the Government license instead of being required to provide a copy of the entire patent when it issues. That change is being made (1) to conform to the Foundation's reporting requirement to those of the National Institutes of Health and (2) because the availability of searchable on-line patent databases has eliminated the need for the Foundation to have paper copies of patents issued on NSF subject inventions.

**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 also certify, pursuant to the

requirements of the Regulatory Flexibility Act, 5 U.S.C. Secs. 601-612, that none of the changes made by this rule will have a significant economic impact on any small entities. 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 650**

Government procurement, Grant programs—science and technology, Inventions and patents, Nonprofit organizations, Small businesses.

**Lawrence Rudolph,**  
*General Counsel.*

Accordingly, Title 45 of the Code of Federal Regulations part 650 is amended as follows:

**PART 650—PATENTS**

1. The authority citation for Part 650 continues to read as follows:

**Authority:** 35 U.S.C. 200-212; 42 U.S.C. 1870(e) and 1871; and the Presidential Memorandum entitled “Government Patent Policy”, issued February 18, 1983.

**§ 650.4 [Amended]**

2. The Patent Rights clause set forth in § 650.4(a) is amended:

A. By replacing “APRIL, 1992” in its heading with “SEPTEMBER, 1997”;

B. By adding between the words “Government” and “within” the phrase “and the page of a United States patent application that contains the Federal support clause” in paragraph (f)(5); and

C. By removing paragraph (f)(6).

3. The following new § 650.19 is added:

**§ 650.19 Electronic invention handling.**

(a) Grantees are encouraged to use the Edison Invention Information Management System maintained by the National Institutes of Health to disclose NSF subject inventions. Detailed instructions for use of that system are provided at <http://era.info.nih.gov/Edison/> and should be followed for NSF subject inventions except that:

(1) All written communications required should be addressed to the Patent Assistant, Office of the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

(2) NSF does not require either an Annual Utilization Report or a Final Invention Statement and Certification.