

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-7204-5]

RIN 2060-AJ34

National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because EPA received adverse comment, we are withdrawing the direct final rule published on March 22, 2001 (67 FR 13508) to extend the compliance date of the national emission standards for hazardous air pollutants (NESHAP) for Pesticide Active Ingredient (PAI) Production. Under the promulgated rule, the compliance date is August 22, 2002 (67 FR 13514, March 22, 2002). The direct final rule would have extended the compliance date to December 23, 2003. We stated in that direct final rule that if we received adverse comment by April 22, 2002, we would publish a timely withdrawal in the **Federal Register**. We received adverse comment on that direct final rule. We will address that comment in a subsequent final action based on the parallel proposal also published on March 22, 2002 (67 FR 13504). As stated in the parallel proposal, we will not institute a second comment period on this action.

DATES: As of May 1, 2002, EPA withdraws the direct final rule published at 67 FR 13508 on March 22, 2002.

ADDRESSES: Docket No. A-95-20 contains supporting information used in developing the PAI Production NESHAP. The docket is located at the U.S. EPA, 401 M Street, SW., Washington, DC 20460 in Room M-1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Randy McDonald, Organic Chemicals Group, Emission Standards Division (Mail Code C504-04), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5402, electronic mail address mcdonald.randy@epa.gov.

SUPPLEMENTARY INFORMATION:

Why Are We Withdrawing the Direct Final Rule?

The direct final rule would have extended the compliance date for

existing sources to December 23, 2003. We believe this extension was reasonable to allow sources time to assess the compliance impacts of the proposed Settlement Agreement between EPA and the American Crop Protection Association and BASF Corporation and the agreed-upon rule amendments that were proposed on April 10, 2002 (67 FR 17492). We stated in the direct final rule that if adverse comments were received by April 22, 2002, we would publish a timely withdrawal of the direct final rule, which would have had an effective date of May 21, 2002. We received an adverse comment and, therefore, are withdrawing the direct final rule. We will address this comment in the subsequent final action on the parallel proposal.

Dated: April 25, 2002.

Robert Brenner,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 02-10731 Filed 4-30-02; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Inspector General

42 CFR Part 1001

RIN 0991-AB09

Medicare and Federal Health Care Programs; Fraud and Abuse; Revisions and Technical Corrections; Correction

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Final rule; correction amendment.

SUMMARY: This document contains a correction to the final regulations which were published in the **Federal Register** on March 18, 2002 (67 FR 11928). These regulations set forth several revisions and technical corrections to the OIG regulations pertaining to fraud and abuse in Federal health care programs. A typographical error appeared in the text of the regulations in § 1001.201(b) concerning the amount of financial loss considered as a mitigating factor when excluding an individual or entity convicted under Federal or State law of program or health care fraud. Accordingly, we are correcting § 1001.201(b)(3)(i) to assure the technical correctness of these regulations.

EFFECTIVE DATE: May 1, 2002.

FOR FURTHER INFORMATION CONTACT: Joel Schaer, OIG Regulations Officer, (202) 619-0089.

SUPPLEMENTARY INFORMATION: The HHS Office of Inspector General (OIG) issued final regulations on March 18, 2002 (67 FR 11928) setting forth several revisions and technical corrections to the OIG regulations pertaining to fraud and abuse in Federal health care programs. Among other revisions, to more accurately reflect threshold amounts with respect to exclusion actions, we clarified § 1001.201(b) to reflect as an aggravating and mitigating factor both the actual and intended loss to programs associated with the conduct of the sanctioned individual or entity. In the final regulations, a typographical error appeared in § 1001.201(b)(3)(i), with regard to one of the mitigating factors. Specifically, with respect to the amount of financial loss to a Government program or to other individuals or entities due to the acts that resulted in the conviction and similar acts, the amount appearing on page 11933 of the March 18, 2002 final regulations incorrectly indicated this amount as “**\$1,5000**.” This is now being corrected to read as “\$1,500.”

List of Subjects 42 CFR Part 1001

Administrative practice and procedure, Fraud, Health facilities, Health professions, Medicaid, Medicare.

Accordingly, 42 CFR 1001 is corrected by making the following correcting amendment.

PART 1001—HEALTHCARE INTEGRITY AND PROTECTION DATA BANK FOR FINAL ADVERSE INFORMATION ON HEALTH CARE PROVIDERS, SUPPLIERS AND PRACTITIONERS

1. The authority citation for part 1001 continues to read as follows:

Authority: 42 U.S.C. 1302, 1320a-7, 1320a-7b, 1395u(h), 1395u(j), 1395u(k), 1395y(d), 1395y(e), 1395cc(b)(2)(D), (E) and (F), and 1395hh; and sec. 2455, Pub.L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note).

2. Section 1001.201 is amended by republishing the introductory text for paragraph (b)(3) and revising paragraph (b)(3)(i) to read as follows:

§ 1001.201 Conviction relating to program or health care fraud.

* * * * *

(b) *Length of exclusion.* * * *

(3) Only the following factors may be considered as mitigating and a basis for reducing the period of exclusion—

(i) The individual or entity was convicted of 3 or fewer offenses, and the

entire amount of financial loss (both actual loss and reasonably expected loss) to a Government program or to other individuals or entities due to the acts that resulted in the conviction and similar acts is less than \$1,500;

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Dated: April 25, 2002.

Ann C. Agnew

Executive Secretary to the Department.

[FR Doc. 02-10789 Filed 4-30-02; 8:45 am]

BILLING CODE 4152-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-858; MM Docket No. 01-13, RM-10038; MM Docket No. 01-20, RM-10049; MM Docket No. 01-80, RM-10089; MM Docket No. 01-81, RM-10090; MM Docket No. 01-102, RM-10100; MM Docket No. 01-103, RM-10102; MM Docket No. 01-114, RM-10128; MM Docket No. 01-136, RM-10155; MM Docket No. 01-201, RM-10216]

Radio Broadcasting Services; Woodbury, GA; Reliance, WY; Eagle Lake, TX; Montana City, MT; Plainville, GA; Rosholt, WI; Morgantown, KY, Boswell, OK and Frederic, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants nine proposals that allot new channels to Woodbury, Georgia, Reliance, Wyoming, Eagle Lake, Texas, Montana City, Montana, Plainville, Georgia, Rosholt, Wisconsin, Morgantown, Kentucky, Boswell, Oklahoma, and Frederic, Michigan. *See SUPPLEMENTARY INFORMATION, infra.*

DATES: Effective May 28, 2002. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01-13, MM Docket No. 01-20, MM Docket No. 01-80, MM Docket No. 01-81; MM Docket No. 01-102, MM Docket No. 01-103, MM Docket No. 01-114, MM Docket No. 01-136, and MM Docket No. 01-201 adopted April 3, 2002, and released April 12, 2002. The full text of this Commission decision is available for inspection and copying during normal

business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554.

The Commission, at the request of Bernice P. Hedrick, allots Channel 233A at Woodbury, Georgia, as the community's first local aural transmission service. *See* 66 FR 8560, February 1, 2001. Channel 233A can be allotted at Woodbury in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.4 kilometers (10.2 miles) west to avoid short-spacings to the licensed sites of Station KVIC(FM), Channel 236C3, Victoria, Texas, and Station KIKK-FM, Channel 239C, Houston, Texas. The coordinates for Channel 233A at Woodbury are 32-54-40 North Latitude and 84-28-34 West Longitude.

The Commission, at the request of Reliance Broadcasting, allots Channel 265C3 at Reliance, Wyoming, as the community's first local aural transmission service. *See* 66 FR 10659, February 16, 2001. Channel 265C3 can be allotted to Reliance in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 265C3 at Reliance are 41-40-09 North Latitude and 109-11-47 West Longitude.

The Commission, at the request of Stargazer Broadcasting, Inc., allots Channel 237C3 at Eagle Lake, Texas, as the community's first local aural transmission service. *See* 66 FR 20223, April 20, 2001. Channel 237C3 can be allotted at Eagle Lake in compliance with the Commission's minimum distance separation requirements with a site restriction of 16.4 kilometers (10.2 miles) west to avoid short-spacings to the licensed sites of Station KVIC(FM), Channel 236C3, Victoria, Texas, and Station KIKK-FM, Channel 239C, Houston, Texas. The coordinates for Channel 237C3 at Eagle Lake are 29-35-15 North Latitude and 96-30-03 West Longitude.

The Commission, at the request of Montana Magic Investments, Inc., allots Channel 293A at Montana City, Montana, as the community's first local aural transmissions service. *See* 66 FR 20223, April 20, 2001. Channel 293A can be allotted at Montana City in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.8 kilometers (2.4 miles) north to avoid

a short-spacing to the license site of Station KWYS-FM, Channel 293C, Island Park, Idaho. The coordinates for Channel 293A at Montana City are 46-33-43 North Latitude 111-57-39 West Longitude. Since Montana City is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government was requested but has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian government, the construction permit will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the USA-Canadian FM Broadcast Agreement."

The Commission, at the request of Plainville Communications, Channel 285A at Plainville, Georgia, as the community's first local aural transmission service. *See* 66 FR 26826, May 15, 2001. Channel 285A can be allotted at Plainville in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.5 kilometers (4.0 miles) northwest to avoid a short-spacing to the licensed site of Station WFSH-FM, Channel 284C1, Athens, Georgia. The coordinates for Channel 285A at Plainville are 34-25-58 North Latitude and 85-05-48 West Longitude.

The Commission, as the request of Craig Norlin, allots Channel 263A at Rosholt, Wisconsin, as the community's first local aural transmission service. *See* 66 FR 26826, May 15, 2001. Channel 263A can be allotted to Rosholt in compliance with the Commission's minimum distance separation requirements with a site restriction of 8.6 kilometers (6.3 miles) northwest to avoid a short-spacing to the license site of Station WIZD(FM), Channel 260C3, Rudolph, Wisconsin, and Station WNCY-FM, Channel 262C2, Neenah-Menasha, Wisconsin. The coordinates for Channel. 263A at Rosholt are 44-40-12 North Latitude and 89-23-45 West Longitude.

The Commission, at the request of Green River Radio Company, allots Channel 256A at Morgantown, Kentucky, as the community's first local aural transmission service. *See* 66 FR 31597, June 12, 2001. Channel 256A can be allotted at Morgantown in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.9 kilometers (7.4 miles) west to avoid short-spacings to the licensed sites of