because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 7, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 24, 2004.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart (K)—Florida

■ 2. Section 52.520 is amended by adding a new entry at the end of the table in paragraph (d) for "Broward County Aviation Department'' to read as follows:

§ 52.520 Identification of plan.

* * * * *

(d) * * *

EPA APPROVED FLORIDA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State effective date	EPA approval date	Explanation
*	*	*	*	* * *
Broward County Aviation Department	....	8/15/03	4/6/04 .... [Insert citation of publication]	Order Granting Variance from Rule 62–252.400

* * * * *

[FR Doc. 04–7645 Filed 4–5–04; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

Gasoline Volatility Standard for the Denver/Boulder Area

CFR Correction

■ In Title 40 of the Code of Federal Regulations, Parts 72 to 80, revised as of July 1, 2003, in § 80.27, in the table in paragraph (a)(2), the entry for Colorado and footnote 2 are correctly reinstated to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) * * *

APPLICABLE STANDARDS[1] 1992 AND SUBSEQUENT YEARS

State	May	June	July	August	September
* * * *	*	*	*		
Colorado[2]	9.0	7.8	7.8	7.8	7.8
* * * *	*	*	*		

[1] Standards are expressed in pounds per square inch (psi).

[2] The standard for 1992 through 2001 in the Denver-Boulder area designated nonattainment for the 1-hour ozone NAAQS in 1991 (see 40 CFR 81.306) will be 9.0 for June 1 through September 15.

* * * * *

[FR Doc. 04–55504 Filed 4–5–04; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 411 and 424

[CMS–1810–CN]

RIN 0938–AK67

Medicare Program; Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships (Phase II); Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Correction of interim final rule with comment period.

SUMMARY: This document corrects a technical error in the interim final rule with comment period published in the **Federal Register** on March 26, 2004, entitled "Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships (Phase II).''

EFFECTIVE DATE: This correction is effective July 26, 2004.

FOR FURTHER INFORMATION CONTACT: Joanne Sinsheimer (410) 786–4620.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 04–6668 of March 26, 2004 (69 FR 16054), there was a technical error that we are identifying and correcting in the Correction of Errors section below. (The provisions in this correction are effective as if they were included in the document published March 26, 2004.)

We inadvertently omitted two sections from the preamble of the document, "Section IX. Reporting Requirements'' and "Section X. Sanctions.'' We are publishing the omitted sections in this correction.

II. Correction of Errors

In FR Doc. 04–6668 of March 26, 2004 (69 FR 16054), make the following correction—

On page 16099, column three, before the fourth paragraph, add "Section IX. Reporting Requirements'' and "Section X. Sanctions'' to read as follows:

IX. Reporting Requirements (Section 1877(f) of the Act; Phase II; § 411.361)

[If you choose to comment on issues in this section, please include the caption "Reporting Requirements'' at the beginning of your comments.]

Existing Law: Section 1877(f) of the Act sets forth certain reporting requirements for all entities providing covered items or services for which payment may be made under Medicare. Under section 1877(f) of the Act, each entity must report to the Secretary information concerning the entity's ownership, investment, and compensation arrangements, including—

(1) The covered items and services provided by the entity, and

(2) The names and unique physician identification numbers (UPINs) of all physicians who have an ownership or investment interest in, or a compensation arrangement with, the entity, or whose immediate relatives have such an ownership or investment interest in, or compensation relationship with, the entity.

The requirements do not apply to DHS provided outside the United States or to entities that the Secretary determines provide services for which payment may be made under Medicare very infrequently.

The required information must be provided in a form, manner, and at such times that the Secretary specifies. Section 1877(g)(5) of the Act provides that any person who is required, but fails, to meet one of these reporting requirements is subject to a civil money penalty of not more than $10,000 for each day for which reporting is required to have been made.

The August 1995 final rule with comment period (60 FR 41914), which applied only to referrals for clinical laboratory services, addressed the provisions of sections 1877(f) and (g)(5) of the Act in § 411.361. Section 411.361 stated that the reporting requirements applied to all entities furnishing items or services for which payment may be made under Medicare, except for entities that provide 20 or fewer Part A and Part B services during a calendar year or DHS provided outside the United States. Entities were required to submit information to us concerning any ownership or investment interest or any compensation arrangement, as described in section 1877 of the Act. We specified that the information submitted must include at least the following:

(1) The name and UPIN of each physician who has a financial relationship with the entity;

(2) The name and UPIN of each physician with an immediate relative (as then defined in § 411.351) who has a financial relationship with the entity;

(3) The covered items and services provided by the entity; and

(4) With respect to each physician identified under (1) and (2), the nature of the financial relationship (including the extent and/or value of the ownership or investment interest or the compensation arrangement, if requested by us).

Section 411.361 of the August 1995 final rule provided that the required information must be submitted on a form prescribed by us within the time period specified by the servicing carrier or intermediary. Entities were given at least 30 days from the date of the carrier's or intermediary's request to provide the information. Thereafter, the entity must provide updated information within 60 days of the date of any change in the submitted information. This section required the entity to retain documentation sufficient to verify the information provided on the forms and, upon request, to make that documentation available either to us or to the Office of the Inspector General (OIG). Information furnished under § 411.361 was subject to public disclosure in accordance with the provisions of 42 CFR part 401.

Proposed Rule: The January 1998 proposed rule stated that we were in the process of developing a procedure and form for implementing the reporting requirements and that we planned to notify affected parties about the procedures at a later date (63 FR 1703). We stated that, until then, physicians and entities were not required to report to us. We also noted that the 60-day timeframe for reporting updated information could be onerous and thus, we proposed to modify § 411.361 to require entities to report annually to us updated information regarding their financial relationships with physicians.

The proposed rule also noted in § 411.361(d) that a reportable financial relationship was defined as "any ownership or investment interest or any compensation arrangement, as described in section 1877 of the Act.'' Under that definition, we were concerned that an entity could decide that it fell within one of the exceptions and thus report no information to us. As a result, we would have no opportunity to scrutinize the entity's financial arrangements to determine if that assessment was correct. We proposed to modify § 411.361(d) to include those relationships excepted in the statute.

We also proposed that the information that an entity must acquire, retain, and submit to us if requested, for each physician identified in the rule, include the nature of the financial relationship (including the extent and/or value of the ownership or investment interest or any compensation arrangement).

Final Rule: The final rule generally requires entities to retain reportable information and furnish it upon request. For reasons set out in more detail in the responses to comments that follow, we have reconsidered some of the proposed provisions regarding reporting requirements.

We have modified the proposed definition of "reportable financial relationship'' in § 411.361(d). While we are still including in the definition those relationships excepted under § 411.355 through § 411.357, we are specifically excluding from that definition ownership or investment interests in publicly-traded securities and mutual funds if such interests satisfy the exceptions in § 411.356(a) or § 411.356(b), respectively. This exclusion from the definition of reportable financial relationships for publicly-traded securities and mutual funds is limited to shareholder information; contractual arrangements concerning these ownership or investment interests are reportable financial relationships.

We are also modifying § 411.361(c)(4) to specify that the information required is only that information that the entity knows or should know in the course of prudently conducting business, including, but not limited to, records that the entity is already required to retain to comply with Internal