

**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](mailto: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.*

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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