

include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: June 14, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding the entry for South Carolina in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

South Carolina

(a) Department of Health and Environmental Control: submitted on November 12, 1993; full approval effective on July 26, 1995.

(b) (Reserved)

* * * * *

[FR Doc. 95-15574 Filed 6-23-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

42 CFR Part 1001

Health Care Programs: Fraud and Abuse; Technical Revision to the Scope and Effect of the OIG Exclusion Regulations

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

ACTION: Final rule.

SUMMARY: This document sets forth a technical revision to OIG regulations on program integrity for Medicare and State

Health Care programs, concerning the scope and effect of the OIG's program exclusion regulations. Prior to this revision, the regulations provided that a program exclusion imposed under title XI of the Social Security Act was to affect future participation in all Federal nonprocurement programs. This revision specifically amends the language in the existing regulations to clarify that the scope of an exclusion is now applicable to all Executive Branch procurement and non-procurement programs and activities. This rule is consistent with the Federal Acquisition Streamlining Act, and the Department's Common Rule on debarment and suspension which is also being amended and published elsewhere in this issue of the **Federal Register**.

EFFECTIVE DATE: This regulation is effective on August 25, 1995.

FOR FURTHER INFORMATION CONTACT: Joel J. Schaer, Office of Management and Policy, (202) 619-0089.

SUPPLEMENTARY INFORMATION:

I. Technical Revision to 42 CFR 1001.1901

On January 29, 1992, the Department of Health and Human Services published a final rule (57 FR 3298) governing the Department's exclusion and civil money penalty authorities as established and amended by the Medicare and Medicaid Patient and Program Protection Act of 1987, Public Law 100-93. These authorities have been delegated to the Office of Inspector General (OIG) for implementation. Under these regulations, section 1001.1901—Scope and effect of exclusion—implemented Executive Order 12549 which provides that debarments, suspensions and other exclusionary actions taken by any Federal agency will have governmentwide effect with respect to all nonprocurement programs. Specifically, section 1001.1901 made clear that exclusions from Medicare and the State health care programs under title XI of the Social Security Act (42 U.S.C. 1320a-7) are also applicable with respect to "all other Federal nonprocurement programs."

With the enactment of the Federal Acquisition Streamlining Act (FASA) of 1994, Public Law 103-355, congress mandated and expanded the governmentwide effect of debarments, suspensions and other exclusionary actions to procurement as well as nonprocurement programs and activities. In addition to the amendments to the governmentwide Common Rule necessitated by the enactment of FASA, we are also

specifically codifying in the Department's adoption of the Common Rule that exclusions imposed under title XI of the Social Security Act will have the same governmentwide effect as debarments initiated under the Common Rule, and will be recognized and given effect not only for all Departmental programs but also for all other Executive Branch procurement and nonprocurement programs and activities. In addition, because full due process is provided under the statute and the implementing regulations for those excluded under title XI—including the right to an administrative hearing and judicial review—additional due process under the Common Rule is not necessary nor available to excluded individuals and entities beyond that set forth in parts 1001 and 1005 of 42 CFR chapter V. This amendment to section 1001.1901 is intended to be consistent with the amendment of 45 CFR part 76 codifying the requirements of FASA.

II. Regulatory Impact Statement

The Office of Management and Budget has reviewed this final rule in accordance with the provisions of Executive Order 12866. As indicated above, the revisions contained in this technical rule are intended to clarify that the scope of an OIG exclusion is applicable to all Executive Branch procurement and nonprocurement programs and activities, consistent with FASA and the Department's Common Rule at 45 CFR part 76.

As indicated in the original final rule published on January 29, 1992, the amendments to 42 CFR part 1001, and this subsequent revision, are designed to clarify departmental policy with respect to the imposition of program exclusions upon individuals and entities who violate the statute. We believe that the vast majority of providers and practitioners do not engage in such prohibited activities and practices, and that the aggregate economic impact of these provisions should be minimal, affecting only those few who have engaged in prohibited behavior jeopardizing the Federal health care financing programs and beneficiaries. As such, these regulations should have no direct effect on the economy or on Federal or State expenditures.

In addition, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 through 612), we certify that this rulemaking will not have a significant economic impact on a substantial number of small entities. While some sanctions may have an impact on small entities, we do not anticipate that a substantial number of these small

entities will be significantly affected by this technical rule.

III. Effective Date and Waiver of Proposed Rulemaking

On December 20, 1994, all but one of the Federal agencies participating in the development of the Common Rule published a notice of proposed rulemaking (59 FR 65607) that proposed changes to the nonprocurement debarment and suspension Common Rule to provide for reciprocal effect between the procurement and nonprocurement debarments, suspensions and other exclusionary actions. Since this rulemaking is designed to clarify departmental procedures consistent with the final Common Rule being set forth in 45 CFR part 76, we are waiving the proposed notice and comment period and issuing this technical regulation as a final rule that will apply to all pending and future cases under this authority.

List of Subjects in 42 CFR Part 1001

Administrative practice and procedure, Health facilities, Health professions, Medicare, Peer Review Organizations, Penalties, Reporting and recordkeeping requirements.

Accordingly, 42 CFR chapter V, Part 1001 is amended as follows:

PART 1001—PROGRAM INTEGRITY—MEDICARE AND STATE HEALTH CARE PROGRAMS

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

Authority: 42 U.S.C. 1302, 1320a-7, 1320a-7b, 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. In § 1001.1901, paragraph (a) is revised to read as follows:

§ 1001.1901 Scope and effect of exclusion.

(a) *Scope of exclusion.* Exclusions of individuals and entities under this title will be from Medicare, State health care programs, and all other Executive Branch procurement and nonprocurement programs and activities. The OIG will exclude the individual or entity from the Medicare program and direct State agency administering a State health care program to exclude the individual or entity for the same period. In the case of an individual or entity not eligible to participate in Medicare, the exclusion will still be effective on the date, and for the period, established by the OIG.

* * * * *

Approved: May 31, 1995.
June Gibbs Brown,
Inspector General.
 [FR Doc. 95-14727 Filed 6-23-95; 8:45 am]
 BILLING CODE 4154-04-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-15]

Radio Broadcasting Services; Pago Pago, American Samoa

AGENCY: Federal Communications Commission.
ACTION: Final rule.

SUMMARY: The Commission, at the request of Oceania Broadcasting Network, Inc., allots Channel 226C1 to Pago Pago, American Samoa, as the community's second local FM service. See 60 FR 6689, February 3, 1995. Channel 226C1 can be allotted to Pago Pago in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates -14-16-41 South Latitude and 170-42-09 West Longitude. With this action, this proceeding is terminated.

DATES: Effective August 3, 1995. The window period for filing applications will open on August 3, 1995, and close on September 4, 1995.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-15, adopted June 12, 1995, and released June 19, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under American Samoa, is amended by adding Channel 226C1 at Pago Pago.

Federal Communications Commission.

John A. Karousos,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.
 [FR Doc. 95-15477 Filed 6-23-95; 8:45 am]
 BILLING CODE 6712-01-F

47 CFR Part 73

(MM Docket No. 94-111; RM-8519)

Radio Broadcasting Services; Ingalls, KS

AGENCY: Federal Communications Commission.
ACTION: Final rule.

SUMMARY: The Commission, at the request of Dana J. Puopolo, allots Channel 290A to Ingalls, Kansas. See 59 FR 50719, October 5, 1994. Channel 290A can be allotted to Ingalls, Kansas, in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 290A at Ingalls are 37-49-48 and 100-27-06.

With this action, this proceeding is terminated.

DATES: Effective August 3, 1995. The window period for filing applications will open on August 3, 1995, and close on September 4, 1995.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-111, adopted June 7, 1995, and released June 19, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows: