

proposal, and will be addressed prior to EPA issuing a final rule.

In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This proposed rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this proposed rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this proposed rule.

#### List of Subjects in 40 CFR Part 180

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

Dated: March 8, 2002.

**Marcia E. Mulkey**,  
*Director, Office of Pesticide Programs.*

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

#### PART 180—[AMENDED]

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

**Authority:** 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.113 is revised to read as follows:

#### § 180.113 Allethrin (allyl homolog of cinerin I); tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide allethrin (allyl homolog of cinerin I) from post-harvest use in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, grain	2.0
Corn, field, grain .....	2.0
Corn, pop, grain .....	2.0
Oat, grain ...	2.0
Rye, grain ...	2.0
Sorghum, grain, grain .....	2.0
Wheat, grain	2.0

(b) *Section 18 emergency exemptions.* [Reserved]

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

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

3. Section 180.1002 is revised to read as follows:

#### § 180.1002 Allethrin (allyl homolog of cinerin I); exemption from the requirement of a tolerance.

The insecticide allethrin is exempted from the requirement of a tolerance for residues when used before harvest in the production of the following raw agricultural commodities: Corn, field; corn, pop; mushroom; and sorghum, grain.

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**BILLING CODE 6560-50-S**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Centers for Medicare & Medicaid Services

#### 42 CFR Chapter IV

[CMS-1206-N]

RIN 0938-ZA31

#### Medicare Program; Town Hall Meeting on Payment for Certain Drugs, Biologicals, and Devices under the Hospital Outpatient Prospective Payment System for Calendar Year 2003

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

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a town hall meeting to discuss the payment for drugs, biologicals, and devices that are eligible for transitional pass-through payments under the hospital outpatient prospective payment system (OPPS) for calendar year 2003. Specifically, the meeting will focus on how the cost of drugs, (including radiopharmaceuticals), biologicals, and devices should be recognized under the hospital OPPS. Providers, physicians, hospitals, coding specialists, and other interested parties are invited to this meeting to present their views on these issues. We will consider the opinions and advice provided during this meeting as we prepare our annual proposed rule that would update the OPPS. The meeting is open to the public, but attendance is limited to space available.

**DATE: Meeting Date:** The town hall meeting announced in this notice will be held on Friday, April 5, 2002, from 9:30 a.m. to 3:30 p.m. (eastern standard time).

**ADDRESSES:** The town hall meeting will be held in the multipurpose room at the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244.

**FOR FURTHER INFORMATION CONTACT:** Roechel Kujawa, (410) 786-9111. You may also send inquiries about this meeting via e-mail to [outpatientpps@cms.hhs.gov](mailto:outpatientpps@cms.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Balanced Budget Act of 1997 (Pub. L. 105-33), enacted on August 5, 1997, amended the Social Security Act (the Act) by adding section 1833(t) to the Act. This section authorized the implementation of a hospital outpatient

prospective payment system (OPPS) for hospital outpatient services.

The OPPS is comprised of ambulatory payment classification groups, relative weights, and payment rates. The Balanced Budget Refinement Act of 1999 (Pub. L. 106-113), enacted on November 29, 1999, amended section 1833(t)(6) of the Act. This section authorized transitional pass-through payments for certain drugs, biologicals, and devices. These drugs, biologicals, and devices include those that were not being paid for as a hospital outpatient service as of December 31, 1996 and for which the cost is not insignificant in relation to the OPPS payment for the procedures associated with the drug, biological, or device. The Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000 (Pub. L. 106-554), enacted on December 21, 2000, amended this provision to permit transitional pass-through payment for some older devices as well. By statute, transitional pass-through payment status extends at least 2 years, but no more than 3 years. Beginning January 1, 2003, almost all of the items that are eligible for transitional pass-through payments will reach the end of their eligibility for pass-through payments. Therefore, their costs must be recognized through other means under the OPPS. Participants at the town hall meeting are invited to share their opinions about how these items should be treated under the OPPS for calendar year (CY) 2003.

## II. Meeting Format

The meeting will begin with an introduction of the OPPS, focusing on the treatment of transitional passthrough payments for drugs, biologicals, and devices under the OPPS for CY 2003. The remainder of the meeting will be reserved for statements from interested parties on this issue.

We will limit the time for participants to make a statement according to the number of registered participants. Individuals who wish to make a statement must contact Roechel Kujawa as soon as possible. Those individuals must subsequently mail their written submission no later than 5 p.m., Monday, April 1, 2002. Send written submissions to: Roechel Kujawa, Division of Outpatient Care, Center for Medicare Management, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mail Stop C4-05-25, Baltimore, Maryland 21244. All written submissions must be received no later than 5 p.m., Monday, April 1, 2002, at the above address. Comments from individuals not registered to speak

will be heard after scheduled statements, if time permits.

## III. Registration Instructions

The Division of Outpatient Care is coordinating meeting registration. While there is no registration fee, all individuals must register to attend. Because this meeting will be located on Federal property, for security reasons, any persons wishing to attend this meeting must call Roechel Kujawa to register at least 72 hours in advance. Attendees must show photographic identification to the Federal Protective Service or Guard Service personnel before they will be permitted to enter the building. Individuals who have not registered in advance will not be allowed to enter the building to attend the meeting. Seating capacity is limited to the first 250 registrants.

Individuals requiring sign language interpretation for the hearing impaired or other special accommodations should contact Roechel Kujawa at least 10 days before the meeting.

**Authority:** Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 12, 2002.

**Thomas A. Scully,**

*Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 02-6578 Filed 3-15-02; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02-486; MM Docket No. 01-137; RM-10156]

### Radio Broadcasting Services; Altus, OK

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; dismissal.

**SUMMARY:** The Commission, at the request of Katherine Pyeatt, dismisses the petition proposing the allotment of Channel 295C2 at Altus, Oklahoma, as the community's third local FM transmission service. See 66 FR 35768, July 9, 2001. A showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest.

**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. 01-137 adopted February 20, 2002, and released March 1, 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 contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 02-6371 Filed 3-15-02; 8:45 am]

**BILLING CODE 6712-01-U**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02-488; MM Docket No. 02-43, RM-10384]

### Radio Broadcasting Services; Milan, NM

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Don Davis proposing the allotment of Channel 270A at Milan, New Mexico, as the community's second local FM transmission service. Channel 270A can be allotted to Milan in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 270A Milan are 35-10-11 North Latitude and 107-53-24 West Longitude.

**DATES:** Comments must be filed on or before April 22, 2002, reply comments on or before May 7, 2002.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mr. Don Davis, 809 Wellesley NE., Albuquerque, New Mexico 87106 (Petitioner).

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