

Dated: September 16, 1999.

William J. Muszynski,

Acting Regional Administrator, Region 2.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9675; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site for Anchor Chemicals, Hicksville, New York.

[FR Doc. 99–25435 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6447–6]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion for the Vestal Water Supply Well 4–2 Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Vestal Water Supply Well 4–2 (Vestal 4–2) Site in Vestal, Broome County, New York from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New York have determined that the Vestal 4–2 Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: September 30, 1999.

FOR FURTHER INFORMATION CONTACT: Lorenzo Thantu, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, NY 10007, (212) 637–4240 or by electronic mail at thantu.lorenzo@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is: Vestal Water Supply Well 4–2, Vestal, Broome County, New York.

A Notice of Intent to Delete for this Site was published in the **Federal Register** on August 11, 1999 (64 FR 43641). The closing date for comments on the Notice of Intent to Delete was September 10, 1999. EPA received no comments.

EPA identifies sites that appear to present a significant risk to public health, welfare or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust (Fund)-financed remedial actions. Pursuant to 40 CFR 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event conditions at the Site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 16, 1999.

William J. Muszynski,

Acting Regional Administrator, Region 2.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site for Vestal Water Supply Well 4–2, Vestal, New York.

[FR Doc. 99–25434 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6447–9]

National Oil and Hazardous Substances Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Deletion of the releases from the Taylor Borough Site (the Site) from the National Priorities List (NPL).

SUMMARY: The EPA Region III announces the deletion of the releases from the Taylor Borough Site in Taylor, Pennsylvania from the NPL. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that all appropriate CERCLA response actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and PADEP have determined that remedial activities conducted at the Site to date have been protective of public health, welfare and the environment.

EFFECTIVE DATE: September 30, 1999.

ADDRESSES: Comprehensive information on this release is available for viewing at the Site information repositories at the following locations:

U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103, 215–814–3199

Taylor Borough Municipal Building, 122 Union Street, Taylor, PA 18517.

FOR FURTHER INFORMATION CONTACT:

Maria de los A. Garcia (3HS21), Remedial Project Manager, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103, 215–814–3199.

SUPPLEMENTARY INFORMATION: The release to be deleted from the NPL is: Taylor Borough Site located in Taylor, Lackawanna County, Pennsylvania.

A Notice of Intent to Delete the releases from this Site was published on August 19, 1999 (64 FR 45224). The closing date for comments on the Notice of Intent to Delete the releases was August 18, 1999. EPA received two letters from citizens in regard to the notice during the comment period. One of the letters only requested that the

releases from the Site not be deleted from the NPL, however, no other information was included with this request. The other letter requested information about what happens once the releases from the Site are deleted from the NPL and expressed concerns about the effects of the Site on the health of people who live in the vicinity of the Site. A response letter was sent to each of these citizens and a responsiveness summary was prepared in regard to these two letters. A copy of the responsiveness summary is in the Site administrative record.

The EPA identifies releases which appear to present a significant risk to public health, welfare or the environment, and it maintains the NPL as the list of those sites. Releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(e) of the NCP, any release deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the Site warrant such action.

Deletion of a release from the NPL does not affect responsible party liability or impede agency efforts to recover cost associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 22, 1999.

W. Michael McCabe,

Regional Administrator, USEPA Region III.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321 (c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the site: Taylor Borough Dump, Taylor Borough, Pennsylvania.

[FR Doc. 99–25433 Filed 9–29–99; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA–4121–FC]

RIN 0938–AG48

Medicare Program; Telephone Requests for Review of Part B Initial Claim Determinations

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: Currently, our regulations allow beneficiaries, providers, and suppliers (defined as physicians or other practitioners, or entities other than a provider), who are entitled to appeal Medicare Part B initial claim determinations, to request a review of the carrier's initial determination in writing. This final rule allows those review requests to be made by telephone and allows the carrier to conduct the review by telephone, if possible. The use of telephone requests supplements, and does not replace, the current written procedures for initiating appeals. This telephone option also improves carrier relationships with the beneficiary, provider, and supplier communities by providing quick and easy access to the appeals process. Carriers will make accommodations to enable a hearing impaired individual access to the telephone review process.

EFFECTIVE DATE: These regulations are effective on February 1, 2000.

Comment date: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on November 29, 1999.

ADDRESSES: Mail an original and 3 copies of written comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–4121–FC, P.O. Box 9013, Baltimore, MD 21244–9013.

FOR FURTHER INFORMATION CONTACT: Rosalind Little, (410) 786–6972.

SUPPLEMENTARY INFORMATION:

I. Background

Under current Medicare regulations at 42 CFR Part 405, Subpart H, a party (a person enrolled under Part B of Medicare, his or her assignee, or other entity having standing to appeal the determination in question), that indicates dissatisfaction with a Part B initial claim determination by a carrier, is entitled to have a carrier review

conducted in accordance with regulations set forth in § 405.807 (Review of initial determination) and section 12010 of the Medicare Carriers Manual (MCM). However, if the appellant is not a proper party or the request for appeal review is not filed timely, the appellant's request may be dismissed.

Currently, a request for the carrier review of an initial claim determination is to be made in writing and filed with us, at an office of the carrier, or at an office of the Social Security Administration (SSA). The carrier must provide a period of 6 months after the date of the notice of its initial determination within which a party may request review. The carrier may, upon request by the party affected, extend the period for requesting the review.

On July 10, 1995, we published a proposed rule in the **Federal Register** (60 FR 35544) that would change the Medicare regulations to allow a party to request the carrier review of its Part B initial claim determination by telephone or by electronic transmission, in addition to the current provisions for a written request.

II. Provisions of the Proposed Rulemaking

In the proposed rule, we stated that the reason for allowing parties to request the review of a carrier's initial claim determination by telephone or electronic transmission, in addition to submitting written requests, was that we recognized that both physicians and beneficiaries often call the carrier to dispute a determination, to ask for clarification, or to protest a denial. We also recognized that the current review process requiring a party to submit a written request for a review can take considerable time and effort. This is because at times it can be difficult to properly explain a problem or ask a question in writing. In addition, a written request provides no opportunity for the dialogue that allows parties to discuss the issues and provide detailed explanations.

The proposed rule stated that telephone or electronic requests for review of Health Maintenance Organizations (HMOs) and Peer Review Organizations (PROs) Part B initial determinations must be made in writing. This rule does not apply to HMO and PRO appeal determinations. A party can initiate an appeal of a determination by an HMO under 42 CFR 417.616 and a determination by a PRO under 42 CFR 473.18(a).

The July 10, 1995 rule proposed to limit electronic requests for review to those entities that electronically bill