

**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 paragraph (d) to the entry for Missouri to read as follows:

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

\* \* \* \* \*

*Missouri*

\* \* \* \* \*

(d) The Missouri Department of Natural Resources submitted on May 28, 1998, revisions to Missouri Rules 10 CSR 10–6.020, “Definitions and Common Reference Tables,” and 10 CSR 10–6.065, “Operating Permits.” Effective date was April 30, 1998.

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[FR Doc. 99–31964 Filed 12–17–99; 8:45 am]

**BILLING CODE** 6560–50–P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Office of the Secretary****Office of Inspector General****45 CFR Part 61**

**RIN 0906–AA46**

**Health Care Fraud and Abuse Data Collection Program: Reporting of Final Adverse Actions; 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 Tuesday, October 26, 1999 (64 FR 57740). These regulations established a national health care fraud and abuse data collection program for the reporting and disclosing of certain final adverse actions taken against health care providers, suppliers and practitioners, and for maintaining a data base of final adverse actions taken against health care providers, suppliers and practitioners. An inadvertent error appeared in the text of the regulations concerning when the subject of a report, or a designated representative, may dispute the accuracy of the report. As a result, we are making a correction to 42 CFR 61.15(a) to assure the technical correctness of these regulations.

**EFFECTIVE DATE:** December 20, 1999.

**FOR FURTHER INFORMATION CONTACT:** Joel Schaer, (202) 619–0089, OIG Regulations Officer.

**SUPPLEMENTARY INFORMATION:** The HHS Office of Inspector General (OIG) issued final regulations on October 26, 1999 (64 FR 57740) that established a national health care fraud and abuse data collection program—the Healthcare Integrity and Protection Data Bank (HIPDB)—for the reporting and disclosing of certain final adverse actions taken against health care providers, suppliers and practitioners, and for maintaining a data base of final adverse actions taken against health care providers, suppliers and practitioners. The final rule established a new 45 CFR part 61 to implement the requirements for reporting of specific data elements to, and procedures for obtaining information from, the HIPDB. In that final rule, an inadvertent error appeared in § 61.15 of the regulations and is now being corrected.

In § 61.15, addressing how to dispute the accuracy of HIPDB information, the regulatory language incorrectly indicated that the subject of a report, or his/her or its designated representative, was limited to 60 calendar days from receipt of the report to dispute the report's accuracy. The intent of this correction is to clarify that the subject or designated representative may amend the report at any period in time. As indicated in the preamble of the final rule that outlined the procedures for obtaining access to a report, submitting a statement, filing a dispute and revising disputed information, the Secretary is exempting the HIPDB from the Department's Privacy Act regulation requirements (45 CFR part 5b) in order to establish a more comprehensive and generous notification, access and correction procedure. The inadvertent language did not appear in the preamble or in other provisions of the regulations text. To be consistent with the preamble and the regulatory provisions of the final rule, we are correcting an inadvertent error that appeared in § 61.15(a). In addition, we are also clarifying § 61.15(a) by making cross-reference to the access rights afforded the subject of a report as set forth in § 61.12(a)(3).

**List of Subjects in 45 CFR Part 61**

Billing and transportation services, Durable medical equipment suppliers and manufacturers, Health care insurers, Health maintenance organizations, Health professions, Home health care agencies, Hospitals, Penalties, Pharmaceutical suppliers and manufacturers, Privacy, Reporting and

recordkeeping requirements, Skilled nursing facilities.

Accordingly, 45 CFR part 61 is corrected by making the following correcting amendment:

**PART 61—HEALTHCARE INTEGRITY AND PROTECTION DATA BANK FOR FINAL ADVERSE INFORMATION ON HEALTH CARE PROVIDERS, SUPPLIERS AND PRACTITIONERS**

1. The authority citation for part 61 continues to read as follows:

**Authority:** 42 U.S.C. 1320a–7e.

2. Section 61.15 is amended by revising paragraph (a) to read as follows:

**§ 61.15 How to dispute the accuracy of Healthcare Integrity and Protection Data Bank information.**

(a) *Who may dispute the HIPDB information.* The HIPDB will routinely mail or transmit electronically to the subject a copy of the report filed in the HIPDB. In addition, as indicated in § 61.12(a)(3), the subject may also request a copy of such report. The subject of the report or a designated representative may dispute the accuracy of a report concerning himself, herself or itself as set forth in paragraph (b) of this section.

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Dated: December 14, 1999.

**Joel Schaer,**

*OIG Regulations Officer.*

[FR Doc. 99–32792 Filed 12–17–99; 8:45 am]

**BILLING CODE** 4152–01–P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

**[DA 99–2687; MM Docket No. 98–194; RM–9360]**

**Radio Broadcasting Services; Jewett and Windham, NY**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Ridgefield Broadcasting Corporation, reallocates Channel 250A from Jewett, NY, to Windham, NY, as the community's first local aural service, and modifies Station WAXK's construction permit to specify Windham as its community of license. See 63 FR 64941, November 24, 1998. Channel 250A can be allotted to Windham in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.6 kilometers (2.3 miles) northwest, at

coordinates 42–20–12 North Latitude and 74–16–19 West Longitude, which is the site specified in the station's outstanding construction permit.

**DATES:** Effective January 18, 2000.

**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. 98–194, adopted November 24, 1999, and released December 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

**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:** 47 U.S.C. 154, 303, 334, 336.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by removing Jewett, Channel 250A and adding Windham, Channel 250A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 99–32800 Filed 12–17–99; 8:45 am]

**BILLING CODE 6712–01–P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 90**

[PR Docket No. 93–144; GN Docket No. 93–252; PP Docket No. 93–253; FCC 99–270]

**Future Development of SMR Systems in the 800 MHz Frequency Band, Regulatory Treatment of Mobile Services, and Competitive Bidding**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this Memorandum Opinion and Order on Reconsideration (MO&O),

the Commission completes the implementation of a new licensing framework for the 800 MHz Specialized Mobile Radio service (SMR). Specifically, the Commission revises or clarifies its rules concerning: the channel plan for General Category channels, the modification of incumbent licensee systems, and the mandatory relocation of incumbent licensee systems from the upper 200 channels to the lower 230 channels. Additionally, the Commission retains its current construction and coverage requirements and clarifies its rules concerning co-channel interference protection, the definition of incumbent and the applicability of its partitioning and disaggregation rules to Private Mobile Radio Service (PMRS) licensees in the 800 MHz and 900 MHz SMR services. The Commission also reaffirms its conclusion that competitive bidding is an appropriate tool to resolve mutually exclusive license applications for the General Category and lower 80 channels of the 800 MHz SMR service. These modifications and clarifications strike an equitable balance between the competing interests of 800 MHz SMR licensees seeking to provide local service and those desiring to provide geographic area service. Further, the Commission's licensing framework will enhance the competitive potential of SMR services in the Commercial Mobile Radio Service (CMRS) marketplace.

**DATES:** Effective February 18, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau: Donald Johnson or Scott Mackoul at (202) 418–7240; Auctions and Industry Analysis Division, Wireless Telecommunications Bureau: Gary D. Michaels at (202) 418–0660; Media Contact: Meribeth McCarrick at (202) 418–0654.

**SUPPLEMENTARY INFORMATION:** This *Memorandum Opinion and Order on Reconsideration* in PR Docket No. 93–144; RM–8117, RM–8030, RM–8029; GN Docket No. 93–252; PP Docket No. 93–253 was adopted September 30, 1999 and released October 8, 1999. The document is available, in its entirety, (including the list of petitioners) for inspection and copying during normal business hours in the FCC Reference Center, (Room CY-A257), 445 12th Street, SW, Washington, D.C. 20554. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 1231 20th Street, NW, Washington, D.C. 20036, (202) 857–3800. In addition, it is available on the

Commission's website at <http://www.fcc.gov/Bureaus/Wireless/Orders>.

**SYNOPSIS OF MEMORANDUM OPINION AND ORDER ON RECONSIDERATION**

**I. Introduction**

1. The major actions adopted in the Memorandum Opinion and Order are:

*A. Service Rules for the Lower 230 Channels*

- Determine to license the 150 General Category channels in six contiguous 25-channel blocks, thereby amending the Commission's previous decision to license these channels in three contiguous 50-channel blocks;
- Retain the "substantial service" standard as an alternative to meeting the applicable construction requirements for EA licensees in the lower 230 channels;

*B. Rights and Obligations of EA Licensees in the Lower 230 Channels*

- Clarify that the grandfathering provisions in § 90.693 of the Commission's rules, setting forth the parameters within which incumbent licensees can modify their systems, apply to both SMR and non-SMR licensees that obtained their licenses or filed applications on or before December 15, 1995;
- Clarify that an incumbent licensee on the lower 230 channels seeking to modify its system using its 18 dBμ interference contour may, in the absence of consent from affected incumbents, provide a statement from a certified frequency advisory committee that a modification will not cause interference to adjacent licensees;
- Specify the operating parameters that incumbent licensees will use to calculate their service area contours and interference contours;
- Conclude that incumbents may not expand their geographic licenses beyond the contours of their individual site licenses to include areas where the EA licensee is not able to operate;
- Clarify that an incumbent's geographic license area includes, in addition to external base stations that are in operation, any interior sites that are constructed within the applicable construction period;
- Clarify that even when an incumbent licensee has expanded its operation throughout its 18 dBμ contour, its interference protection continues to extend only to its 36 dBμV/m signal strength contour;
- Affirm that the lower 80 SMR channels will not be redesignated for non-SMR use;