

This withdrawal document will not have an impact of \$110 million or more annually. Neither is this document expected to impose an unfunded mandate on States exceeding \$110 million annually. Therefore, we have not prepared an analysis of cost and benefits as required by E.O. 12866 and the Unfunded Mandates Act for rules with significant economic impacts or that impose significant unfunded mandates on States. Also, we believe this withdrawal document will have very little direct impact on small entities as defined under the RFA or on small rural hospitals as defined under section 1102(b) of the Social Security Act. For these reasons, we are not preparing analyses for either the RFA or section 1102(b) of the Act because we have determined, and we certify, that this rule will not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This document will not have a substantial effect on State or local governments.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

III. Collection of Information Requirements

As stated above, we are withdrawing this proposed rule because we recently implemented the ABN process by which suppliers may bill on an assignment basis for upgraded DME. The supplier can now use ABN to inform beneficiaries they may be responsible for payment for items since the supplier expects Medicare payment for these items to be denied. On October 12, 2001 and February 19, 2002 we published notices in the **Federal Register** announcing that we are seeking Paperwork Reduction Act reapproval of the ABN, approved under OMB number 0938-0566, with a current expiration date of April 31, 2002.

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 21, 2001.

Thomas A. Scully,
Administrator, Centers for Medicare & Medicaid Services.

Approved: February 22, 2002.

Tommy G. Thompson,
Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-908; MB Docket No. 02-58; RM-10415]

Radio Broadcasting Services; Shafter, CA.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comment on a Petition for Rule Making filed on behalf of American Media General of Texas, Inc., licensee of Station KCOO, Channel 282A, Shafter, California, requesting the allotment of Channel 226A to Shafter, California, in order to permit it to modify its license to specify operation on Channel 226A. This is necessary because American Media General of Texas, Inc. is losing its transmitter site and has been unable to locate an available site that would accommodate operation on Channel 282A. The coordinates for the Channel 226A allotment at Shafter, California, would be 35-30-06 and 119-16-18.

DATES: Comments must be filed on or before June 10, 2002, and reply comments on or before June 25, 2002.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC, 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Vincent J. Curtis, Jr., c/o Fletcher, Heald & Hildreth, 1300 North 17th Street, Arlington, Virginia, 22209-3801.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making* in MB Docket No. 02-58, adopted April 17, 2002, and released April 19, 2002. The full text of this Commission action is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY-A257, 445 12th Street, SW, Washington, D.C. The complete text of this action

may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com. Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR

Radio Broadcasting

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.

[FR Doc. 02-10786 Filed 4-30-02; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 040202C]

Magnuson-Stevens Act Provisions, Subpart H; General Provisions for Domestic Fishing; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Correction of notice of receipt of petition for rulemaking and request for comments.

SUMMARY: In the April 18, 2002, **Federal Register**, NMFS announced receipt of a petition for rulemaking under the Administrative Procedure Act. Oceana, a non-governmental organization concerned with the environmental health of the oceans, petitioned the U.S. Department of Commerce to promulgate immediately a rule to establish a program to count, cap, and control bycatch in U.S. fisheries. The announcement indicated under

"ADDRESSES" where copies of the petition could be obtained, and under **"SUPPLEMENTARY INFORMATION"** that a copy of the petition was available at a

NMFS website. An error in the NMFS web address is corrected by this document.

ADDRESSES: Copies of the petition are available, and written comments on the need for such a regulation, its objectives, alternative approaches, and any other comments may be addressed to William T. Hogarth, Ph.D., Assistant Administrator for Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910; telephone 301-713-2239. Comments may also be sent via fax to 301-713-1193, attn: Val Chambers. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Val Chambers, telephone 301-713-2341, fax 301-713-1193, e-mail Val.Chambers@noaa.gov.

SUPPLEMENTARY INFORMATION: Notice of receipt of the petition for rulemaking as filed by Oceana was published in the **Federal Register** on April 18, 2002 (67 FR 19154). The petition asserts that NMFS is not meeting its legal obligations for bycatch of birds, mammals, turtles, and fish under the Magnuson-Stevens Fishery Conservation and Management Act, the

Endangered Species Act, the Marine Mammal Protection Act, and the Migratory Bird Treaty Act. The petition seeks a regulatory program that includes a workplan for observer coverage sufficient to provide statistically reliable bycatch estimates in all fisheries, the incorporation of bycatch estimates into restrictions on fishing, the placing of limits on directed catch and bycatch in each fishery with provision for closure upon attainment of either limit, and bycatch assessment and reduction plans as a requirement for all commercial and recreational fisheries.

Correction

In proposed rule FR Doc. 02-9462 published on April 18, 2002, (67 FR 19154) make the following correction. On page 19154, under "**SUPPLEMENTARY INFORMATION**", in the third column, the first complete paragraph is corrected to read as follows:

"The exact and complete assertions of nonconformance with Federal law are contained in the text of Oceana's petition which is available via internet at the following NMFS web address: <http://www.nmfs.noaa.gov/sfa/sfweb/index.htm>. Also, anyone may obtain a

copy of the petition by contacting NMFS at the above address."

This corrects the error in the website address.

The Assistant Administrator for Fisheries has determined that the petition contains enough information to enable NMFS to consider the substance of the petition. NMFS will consider public comments received in determining whether or not to proceed with the development of the regulations requested by Oceana. To this end, NMFS, by separate letter, has requested each of the Regional Fishery Management Councils to assist in evaluating this petition. Upon determining whether or not to initiate the requested rulemaking, the Assistant Administrator for Fisheries, NOAA, will publish a notice of the agency's final disposition of the Oceana petition request in the **Federal Register**.

Dated: April 25, 2002.

John H. Dunnigan,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

[FR Doc. 02-10757 Filed 4-26-02; 4:30 pm]

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