ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL–7773–5]

RIN 2060–AI90

National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities; National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H; Final Amendment—Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: The Environmental Protection Agency published a final rule amending the National Emission Standards for Hazardous Air Pollutants (NESHAPs), which regulate the air emissions of radionuclides other than radon-222 and radon-220 from facilities owned or operated by the Department of Energy (DOE) and from Federal Facilities other than Nuclear Regulatory Commission (NRC) licensees and not covered by Subpart H. This document contains corrections to the final regulations, which were effective October 9, 2002. After publication in the **Federal Register** it was discovered that the value in table 2 of Method 114 was incorrect.

DATES: *Effective Date:* July 17, 2004.

FOR FURTHER INFORMATION CONTACT: Eleanor Thornton-Jones, Center for Waste Management, Radiation Protection Division, Office of Radiation and Indoor Air, U.S. Environmental Protection Agency, Mailstop 6608J, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, by e-mail: *thornton.eleanord@epa.gov* or by phone (202) 343–9773.

SUPPLEMENTARY INFORMATION:

Docket

All documents relevant to this rulemaking have been placed in Docket A–94–60 in EPA's Air Docket. The Air Docket is located at 1200 Pennsylvania Avenue, NW., 20460, in room B–102, Mail Code 6102T and is open between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. A reasonable fee may be charged for copying.

Background

On September 9, 2002, the Environmental Protection Agency published in the **Federal Register** (65 FR 57159), a final rule amending NESHAPs, which regulate the air emissions of radionuclides other than radon-222 and radon-220 from facilities owned or operated by the Department of Energy (DOE) (Subpart H) and from Federal Facilities other than Nuclear Regulatory Commission (NRC) licensees and not covered by Subpart H (Subpart I). These regulations require that emissions of radionuclides to the ambient air shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 10 millirem per year (mrem/yr). Also, for non-DOE Federal facilities, emissions of iodine shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 3 mrem/yr. Regulated facilities demonstrate compliance with the standard by sampling and monitoring radionuclide emissions from all applicable point sources. Historically, radionuclide emissions from point sources are measured in accordance with the American National Standards Institutes's (ANSI) ''Guide to Sampling Airborne Radioactive Materials in Nuclear Facilities,'' ANSI N13.1–1969. In 1999, the American National Standards Institute substantively revised ANSI N13.1–1969 and renamed it ''Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities,'ANSI/HPS N13.1–1999. In 2002, the Agency updated its regulations at 40 CFR part 61, subparts H and I to require the use of ANSI/HPS N13.1–1999 for all applicable newly constructed or modified facilities and imposed additional inspection requirements on existing facilities consistent with the revised ANSI standard.

Need for Correction

In 40 CFR part 61, Appendix B, Method 114, table 2, under the listing for ''Clean transport lines'' the Frequency of Activity Column states ''Visible deposits for HEPA-filtered applications. Surface density of 1 g/cm^3.'' This should read ''Visible deposits for HEPA-filtered applications. Mean mass of deposited material exceeds 1 g/m^2 for other applications.'' Table 2 used in the Appendix B, Method 114 was orginally from the ANSI Standard (ANSI/HPS N13.1–1999 (Docket No. A–94–60, Item II–D–3)); Section 6.4.6 ''Cleaning transport lines'' explains the value used and the required process involved in cleaning transport lines. This section did not talk in terms of density but in terms of the mass of material deposited.

List of Subjects in 40 CFR Part 61

Environmental protection, Air pollution control, Radionuclides, Radon, Reporting and recordkeeping requirements.

Dated: June 7, 2004.

Bonnie C. Gitlin,

Acting Director, Radiation Protection Division.

■ For the reasons set forth in preamble title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 61—[CORRECTED]

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

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, 7601, and 7602.

■ 2. In Appendix B to part 61, table 2 in Method 114 is amended by revising the entry for ''Clean transport lines'' to read as follows:

Appendix B to Part 61—Test Methods

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Method 114—Test Methods for Measuring Radionuclide Emissions From Stationary Sources

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4. Quality Assurance Methods

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TABLE 2.—MAINTENANCE, CALIBRATION AND FIELD CHECK REQUIREMENTS

Sampling system components	Frequency of activity
Clean transport lines	Visible deposits for HEPA-filtered applications. Mean mass of deposited material exceeds 1g/m^2 for other applications.

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[FR Doc. 04–13679 Filed 6–16–04; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Inspector General

45 CFR Part 61

RIN 0991–AB31

Health Care Fraud and Abuse Data Collection Program: Technical Revisions to Healthcare Integrity and Protection Data Bank Data Collection Activities

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

ACTION: Interim final rule with comment period.

SUMMARY: The rule makes technical changes to the Healthcare Integrity and Protection Data Bank (HIPDB) data collection reporting requirements set forth in 45 CFR part 61 by clarifying the types of personal numeric identifiers that may be reported to the data bank in connection with adverse actions. Specifically, the rule clarifies that in lieu of a Social Security Number (SSN), an individual taxpayer identification number (ITIN) may be reported to the data bank when, in those limited situations, an individual does not have an SSN.

DATES: *Effective date:* These regulations are effective on July 19, 2004.

Comment date: We will consider comments if we receive them at the appropriate address, as provided in the address section below, no later than 5 p.m. on July 19, 2004.

ADDRESSES: In commenting, please refer to file code OIG–55–FC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. Please mail or deliver your written comments to the following address: Office of Inspector General, Department of Health and Human Services, Attention: OIG–55–FC, Room 5246, Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201.

Please allow sufficient time for us to receive mailed comments by the due date in the event of delivery delays. Because access to the Cohen Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the OIG drop box located in the main lobby of the building. For information on viewing public comments, see section IV in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Joel Schaer, Office of Management and Policy, (202) 619–0089; or Anne MacArthur, Office of Counsel to the Inspector General, (202) 619–0335.

SUPPLEMENTARY INFORMATION:

I. The Healthcare Integrity and Protection Data Bank (HIPDB)

Section 221(a) of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104–91, required the Department, acting through the Office of Inspector General, to establish a health care fraud and abuse control program to combat health care fraud and abuse (section 1128C of the Social Security Act (the Act)). Among the major steps in this program has been the establishment of a national data bank to receive and disclose certain final adverse actions against health care providers, suppliers, or practitioners, as required by section 1128E of the Act, in accordance with section 221(a) of HIPAA. The data bank, known as the Healthcare Integrity and Protection Data Bank (HIPDB), is designed to collect and disseminate the following types of information regarding final adverse actions: (1) Civil judgments against health care providers, suppliers, or practitioners in Federal or State court that are related to the delivery of a health care item or service; (2) Federal or State criminal convictions against a health care provider, supplier, or practitioner related to the delivery of a health care item or service; (3) final adverse actions by Federal or State agencies responsible for the licensing and certification of health care providers, suppliers, or practitioners; (4) exclusion of a health care provider, supplier, or practitioner from participation in Federal or State health care programs; and (5) any other adjudicated actions or decisions that the Secretary establishes by regulation.

Data Elements To Be Reported to the HIPDB

Section 1128E(b)(2) of the Act cited a number of required elements or types of data that must be reported to the HIPDB. These elements include: (1) The name of the individual or entity; (2) a taxpayer identification number; (3) the name of any affiliated or associated health care entity; (4) the nature of the final adverse action and whether the action is on appeal; (5) a description of the acts or omissions, or injuries, upon which a final adverse action is based; and (6) any other additional information deemed appropriate by the Secretary. With respect to this last element, we have exercised this discretion to add additional reportable data elements reflecting much of the information that is already routinely collected by the Federal and State reporting agencies.

Final regulations implementing the HIPDB were published in the **Federal Register** on October 26, 1999 (64 FR 57740). In those final regulations, for an individual (1) who is the subject of a civil judgment or criminal conviction related to the delivery of a health care item or service; or (2) who is the subject of a licensure action taken by Federal or State licensing and certification agencies, an adjudicated action or decision, or an individual excluded from participation in a Federal or State health care program, the current HIPDB systems of records contains, among other things, the individual's full name, other names used (if known), and his or her SSN. We specifically indicated that use of personal identifiers, such as SSNs and Federal Employer Identification Numbers (FEINs), in the collection and reporting to the HIPDB:

- Provides explicit matching of specific adverse action reports to and from the data bank;
- Provides a greater confidence level in the system's matching algorithm and maximizes the system's ability to prevent the erroneous reporting and disclosure of health care providers, suppliers and practitioners; and
- Strengthens States' ability to detect individuals who move from State to State without disclosure or discovery of previous damaging performance.