

Eagle Refinery Co., Oklahoma City, Oklahoma. A Notice of Intent to Delete for this Site was published in the **Federal Register** on June 13, 2008.

The closing date for comments on the Notice of Intent to Delete was July 14, 2008. One public comment was received. The commenter questioned the completeness of the response action based on information found in non-EPA Internet Web sites. EPA believes the deletion is appropriate, since the response action has been implemented, as documented in the Deletion Docket. A responsiveness summary was prepared and placed in the docket, EPA-HQ-SFUND-1986-0008, Notice 3, on <http://www.regulations.gov>, and in the local repositories listed above.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

#### List of Subjects in 40 CFR Part 300

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

Dated: August 12, 2008.

**Richard E. Greene,**

*Regional Administrator, Region 6.*

■ 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.

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry under OK for "Double Eagle Refinery Co.", "Oklahoma City".

[FR Doc. E8-19420 Filed 8-20-08; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA-HQ-SFUND-1989-0008, Notice 4; FRL-8706-2]

### National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Deletion of the Fourth Street Abandoned Refinery Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 6 announces the deletion of the Fourth Street Abandoned Refinery Superfund Site (Site) located in Oklahoma City, Oklahoma, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Oklahoma, through the Oklahoma Department of Environmental Quality, have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

**DATES:** *Effective Date:* This action is effective August 21, 2008.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-1989-0008, Notice 4. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

U.S. EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, (214) 665-8157, by appointment only Monday through Friday 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m.

Ralph Ellison Library, 2000 Northeast 23, Oklahoma City, OK 73111, (409) 643-5979, Monday through Wednesday 9 a.m. to 9 p.m., Thursday and Friday 9 a.m. to 6 p.m., Saturday 10 a.m. to 4 p.m.

Oklahoma Department of Environmental Quality (ODEQ), 707 North Robinson, Oklahoma City, Oklahoma 73101, (512) 239-2920, Monday through Friday 8 a.m. to 5 p.m.

#### FOR FURTHER INFORMATION CONTACT:

Bartolome Canellas (6SF-RL), Remedial Project Manager, U.S. Environmental Protection Agency, Region 6, U.S. EPA, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665-6662 or 1-800-533-3508 or [canellas.bart@epa.gov](mailto:canellas.bart@epa.gov).

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Fourth Street Abandoned Refinery, Oklahoma City, Oklahoma. A Notice of Intent to Delete for this Site was published in the **Federal Register** on June 13, 2008.

The closing date for comments on the Notice of Intent to Delete was July 14, 2008. One public comment was received. The commenter questioned the completeness of the response action based on information found in non-EPA Internet Web sites. EPA believes the deletion is appropriate, since the response action has been implemented, as documented in the Deletion Docket. A responsiveness summary was prepared and placed in the docket, EPA-HQ-SFUND-1989-0008, Notice 4, on <http://www.regulations.gov>, and in the local repositories listed above.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

#### List of Subjects in 40 CFR Part 300

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

Dated: August 12, 2008.

**Richard E. Greene,**

*Regional Administrator, Region 6.*

■ 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:

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■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry under OK for “Fourth Street Abandoned Refinery”, “Oklahoma City”.

[FR Doc. E8–19419 Filed 8–20–08; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****42 CFR Parts 405, 413, and 417**

[CMS–1727–CN]

RIN 0938–AL54

**Medicare Program; Provider Reimbursement Determinations and Appeals; Correction**

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

**ACTION:** Correction of final rule.

**SUMMARY:** This document corrects technical errors that appeared in the final rule with comment period published in the *Federal Register* on May 23, 2008 entitled “Provider Reimbursement Determinations and Appeals.”

**DATES:** *Effective Date:* August 21, 2008.

**FOR FURTHER INFORMATION CONTACT:** Morton Marcus, (410) 786–4477. Donald Romano, (410) 786–1401.

**SUPPLEMENTARY INFORMATION:****I. Background**

In FR Doc. E8–11227 of May 23, 2008 (73 FR 30190), there were a number of typographical and technical errors that are identified and corrected in the Correction of Errors section in section III. of this notice. The provisions of this correction notice are effective as if they had been included in the final rule published on May 23, 2008. Accordingly, the corrections are effective August 21, 2008.

**II. Summary of Errors**

We note that in section III. of this notice, we correct a number of typographical and technical errors. We note that the following are the more significant corrections:

On pages 30211 and 30250, we are correcting an error relating to the usage

and filing of mandatory group appeals. We stated in the preamble and regulations text of § 405.1835(b)(4)(i) that a commonly-owned provider must state in its request for Board hearing that: “\* \* \* sano other provider related to it by common ownership or control has an individual or group appeal pending before the Board on the same issue for a cost reporting period that *falls* within the same calendar year.” This statement was incorrect. To provide consistency with the regulations text at § 405.1837(b)(1)(i), the word “falls” needs to be replaced with the word “ends.”

On page 30243, we are correcting a technical error in the regulations text at § 405.1801(b)(2). Following the publication of the final rule, we discovered that the regulations at § 405.1801(b)(2) failed to reference the longstanding exception at § 413.200(g). In the regulations text at § 405.1801(b)(2), we stated that a nonprovider entity is not entitled to an intermediary hearing or a Board hearing. (We discussed this issue in the preamble to the proposed rule published on June 25, 2004 (69 FR 35721).) However, the current text at § 413.200(g) reflects that an OPO (organ procurement organization) or histocompatibility laboratory is entitled to an intermediary hearing in accordance with the intermediary hearing procedures contained in subpart R. While OPOs (formerly referred to as organ procurement agencies or OPAs) and histocompatibility laboratories are nonprovider entities and not entitled to a hearing under section 1878 of the Act, they have always been an exception to the rule with respect to intermediary hearings and historically have received intermediary hearings under subpart R of the regulations. (See December 14, 1978, 43 FR 58370 through 58371, referencing the legislative history of Public Law 95–292 that Congress intended to provide an intermediary hearing for the OPOs and histocompatibility laboratories, and S. Rep. No. 95–714, 95th Cong. 2d Sess., 12–13 (1978); H. Rep. No. 95–549, 95th Cong. 1st Sess. 14 (1977)). We wanted to assure OPOs that they will continue to have intermediary hearing rights as they have always had in the past. Therefore, we are correcting § 405.1801(b)(2) by adding a reference to the exception for OPOs and histocompatibility laboratories at § 413.200(g) and thus clarifying that OPO hearing rights do not derive from section 1878 of the Act.

On page 30263, we are correcting an error in the regulations text for § 405.1875(d). In the final rule, we

inadvertently included the sentence “[T]he Administrator does not consider any communication that does not meet these requirements or is not submitted with the required time limits” as the last sentence of paragraph (d)(3)(ii). However this statement is applicable to all of the provisions of paragraph (d). Therefore, we have removed the sentence from paragraph (d)(3)(ii) and after changing the word “these” to “the following” have added the sentence to the introductory text of paragraph (d).

We also note that the May 23, 2008 final rule referenced a First Circuit Court of Appeals decision, *MaineGeneral Medical Center v. Shalala*, 205 F. 3d 493 (1st Cir. 2000). In a number of instances throughout the preamble of the final rule, we misspelled “*MaineGeneral*” as “*Maine General*.” We are acknowledging these errors without specifically itemizing each error in the Correction of Errors section of this notice.

**III. Correction of Errors**

In FR Doc. E8–11227 of May 23, 2008 (73 FR 30190), make the following corrections:

**A. Correction of Errors in the Preamble**

1. On page 30192, second column, second paragraph, line 3, the phrase, “CMS Reviewing official procedure” is corrected to read “CMS reviewing official procedure.”

2. On page 30197, third column, a. First partial paragraph, line 4, the phrase “are more appropriately borne by fiscal intermediaries” is corrected to read “are more appropriately borne by intermediaries.”

b. First full paragraph, lines 9 through 11, the phrase “In *Maine General Medical Center v. Shalala*, 205 F. 3d 493 (1st Cir. 2000), the majority” is corrected to read “In *MaineGeneral*, the majority.”

3. On page 30206, first column, second paragraph, line 19, the phrase “determinations are governed” is corrected to read “determinations is governed.”

4. On page 30208, first column, fourth paragraph, line 17, the phrase “Rather, we believe that intermediary officers” is corrected to read “Rather, we believe that intermediary hearing officers.”

5. On page 30211, first column, first partial paragraph, line 32, the phrase “a cost reporting period that falls within” is corrected to read “a cost reporting period that ends within.”

6. On page 30214, second column, first full paragraph, paragraph heading, “K. Expediting Judicial Review (§ 405.1842)” is corrected to read “K.