

at 2.00 ppm, and sunflower seed at 0.10 ppm.

The data submitted in the petition and other relevant material have been evaluated. The data considered in the petition include several acute studies; a 2-feeding/oncogenic study in rats fed dosages of 0, 12.5, 50, and 200 milligrams/kilogram/day (mg/kg/day) with no oncogenic effects observed under the conditions of the study at dose levels up to and including 200 mg/kg/day (HDT) and a systemic no-observed-effect level (NOEL) of 12.5 mg/kg/day; an 18-month feeding/oncogenic study with mice fed dosages of 0, 19.5, 78.75, and 315 mg/kg/day with no oncogenic effects observed under the conditions of the study at dose levels up to and including 315 mg/kg/day (HDT) and a systemic NOEL of 19.5 mg/kg/day; a 1-year feeding study in dogs fed dosage levels of 0, 6.25, 25, and 100 mg/kg/day with a NOEL of 6.25 mg/kg/day; a teratology study in rats fed dosage levels of 0, 250, 500, and 1,000 mg/kg/day with no teratogenic effects at 1,000 mg/kg/day (HDT), a maternal NOEL of less than 250 mg/kg/day, and a fetotoxic NOEL of 250 mg/kg/day (a NOEL for maternal toxicity was not established in this study); a teratology study in rabbits fed dosage levels of 0, 250, 500, and 750 mg/kg/day with no teratogenic effects at 750 mg/kg/day (HDT); a maternal NOEL of 750 mg/kg/day and a fetotoxic NOEL of 250 mg/kg/day; a 3-generation reproduction study in rats fed dosage levels of 0, 12.5, 50, and 200 mg/kg/day with a NOEL for reproductive effects of 12.5 mg/kg/day; a mutagenic test with *Salmonella typhimurium* (negative); mutagenic chromosomal aberration tests both *in vitro* and *in vivo* (no aberrations observed in Chinese hamsters ovary/cells with and without activation); an unscheduled DNA synthesis study in rat hepatocytes (negative); and a dominant lethal study in rats negative at doses up to and including 1,000 mg/kg (HDT).

The acceptable daily intake (ADI) based on the 1-year dog feeding study (NOEL of 6.25 mg/kg/day) and a hundred-fold safety factor is calculated to be 0.0625 mg/kg/day. The theoretical maximum residue contribution (TMRC) for these tolerances for a diet is calculated to be 0.00147 mg/kg/day. The current action will use 2.35 percent of the ADI. There are no published tolerances for this chemical. No desirable data are lacking. The pesticide is useful for the purposes of this tolerance rule. The nature of the residue is adequately understood, and adequate analytical methods (gas-liquid chromatography with a nitrogen-

sensitive detector) are available for enforcement purposes.

There are currently no actions pending against the registration of this chemical. No secondary residues are expected to occur in meat, milk, poultry, or eggs from this use.

Because of the long lead time from establishing this tolerance to publication of the enforcement methodology in the Pesticide Analytical Manual II, an interim analytical methods package is being made available to State pesticide enforcement chemists when requested from:

By mail: Information Services Section (TS-757C), Program Management Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 557-3282.

Based on the above information considered by the Agency, it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health, and the tolerances are therefore established as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

The Office of Management and Budget (OMB) has exempted this regulation from section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)).)

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 8, 1988.

Douglas D. Camp, Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. New § 180.437 is added, to read as follows:

§ 180.437 AC 222,293; tolerances for residues.

(a) Tolerances are established for the combined residues of the herbicide AC 222,293 [Assert, a mixture of methyl 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-*p*-toluate and methyl 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-*m*-toluate] in or on the following raw agricultural commodities:

Commodities	Parts per million
Barley grain	0.10
Barley straw	2.00
Sunflower seed	0.10
Wheat grain	0.10
Wheat straw	2.00

[FR Doc. 88-8509 Filed 4-19-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 228

[FRL 3365-6]

Suspension of Effective Date of Final Designation of Pensacola, Florida Site as an EPA-Approved Ocean Dumping Site, Pursuant to the Marine Protection, Resources and Sanctuaries Act (MPRSA) of 1972

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of suspension of effective date of designation of Pensacola, Florida site as an EPA-approved Ocean Dumping Site.

SUMMARY: On March 4, 1988, EPA published a final rule at 53 FR 6987, designating ocean dumping sites off shore Pensacola, Florida, Mobile, Alabama, and Gulfport, Mississippi,

pursuant to section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972. These designations were to become effective on April 4, 1988. On April 1, 1988, in response to a request by the State of Florida, the Regional Administrator of EPA-Region IV suspended the effective date of the final designation of only the Pensacola, Florida, site (§ 228.12(b)(48)). That site designation will now become effective on May 9, 1988. The other site designations—Gulfport, Mississippi, and Mobile, Alabama—became effective as scheduled.

FOR FURTHER INFORMATION CONTACT: Sally Turner, Chief, Marine Protection Section, Water Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347-2126.

Date: April 5, 1988.

Joe R. Franzmathes,
Acting Regional Administrator.

[FR Doc. 88-8183 Filed 4-15-88; 3:42 pm]
BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405, 406, 409, 410, 413, 416, 421, 489 and 498

[BERC-431-CN]

Medicare Program; Conditions for Medicare Payment

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

ACTION: Final rule with comment period; Correction.

SUMMARY: Federal Register document 88-4352, beginning on page 6629 of the issue of Wednesday March 2, 1988, redesignated Subparts A and P of Part 405 of the Medicare rules as a new Part 424, and made many technical and conforming amendments to other sections of those regulations. Through oversight, three of those amendments were retained even though in two instances the affected sections had been removed, and, in another, the addition had been made by another rule published while the above cited document was in clearance. This document removes those amendments, corrects a duplicated section number, clarifies two examples, restores an omitted paragraph heading, and corrects typographical errors.

FOR FURTHER INFORMATION CONTACT: Luisa V. Iglesias, Telephone (202) 245-0383.

Corrections

1. On page 6634, column 1, under PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS, in the first line of item 2. a. "\$ 410.64" is changed to "\$ 410.66", and in the heading of the new section, "\$ 410.64" is changed to "\$ 410.66".

2. On page 6635, column 2, § 424.5(a)(3), in line 6, "on" is changed to "of".

3. On page 6635, column 2, § 424.7(a)(2)(i), in line 2, "(a)(2)" is changed to "(a)(2)(ii)".

4. On page 6635, column 3, § 424.10(b), in lines 9 and 10, "Comprehensive Outpatient Rehabilitation Facility" is changed to "comprehensive outpatient rehabilitation facility."

5. On page 6637, column 1, in § 424.16(b), the parenthetical statement in the heading is revised to read "(Hospital that is not a psychiatric hospital and is not subject to PPS)".

6. On page 6638, column 1, § 424.22(d)(4), in the heading, "or" is inserted after "officer".

7. On page 6638, column 3, § 424.24(c)(3)(ii), in line 2, "physician" is changed to "physical".

8. On page 6638, column 3, § 424.25, in the heading, "physician" is changed to "physical".

9. On page 6639, column 2, § 424.30, in line 6, "the" is changed to "a".

10. On page 6639, column 2, § 424.32(b), in the parenthetical statement after "HCFA-1500", "other" is inserted before "suppliers".

11. On page 6640, column 1, § 424.36(b)(5), in line 3, "in" is changed to "it".

12. On page 6640, column 1, § 424.37(b), in line 4, the apostrophe after "claim" is removed.

13. On page 6641, column 3, in § 424.56(d), the examples are revised to read as follows:

Example 1. An assigned bill of \$300 on which partial payment of \$100 has been made is submitted to the carrier. The carrier determines that \$300 is the reasonable charge for the service furnished. Total payment due is 80 percent of \$300 or \$240. Of this amount, \$200 (the difference between the \$100 partial payment and the \$300 reasonable charge) is paid to the supplier. The remaining \$40 is paid to the beneficiary.

Example 2. An assigned bill of \$325 on which partial payment of \$275 has been made is submitted to the carrier. The carrier determines that \$275 is the reasonable charge for the services. Total payment due is 80 percent of \$275 or \$220. The \$220 is paid to the beneficiary, since any payment to the supplier, when added to the \$275 partial

payment would exceed the reasonable charge for the services furnished.

14. On page 6644, column 1, § 424.82(c)(3), in line 2, the "O" at the end of "reassignment" is removed, and in line 4, "contrary" is inserted after "payment".

15. On page 6644, column 3, in § 424.84, paragraph (c)(3) is redesignated as (d) and revised to read:

(d) *Effect of revocation when supplier or other party has a financial interest in another entity.* Revocation of the party's right to accept assignment also applies to any corporation, partnership, or other entity in which the party, directly or indirectly, has or acquires all or all but a nominal part of the financial interest.

16. On page 6646, column 3, § 424.124(a), in line 2, "physicians" is changed to "physician".

17. On page 6647, column 1, § 424.124(b), in the heading, "Physicians" is changed to "Physician".

18. On page 6647, column 2, in § 424.352(b), the colon after "HCFA" is changed to a dash.

19. On page 6648, column 1, in conforming amendment No. 10, (§ 409.5), "Subpart H of Part 424" is changed to "Subparts G and H of Part 424".

20. On page 6648, column 1, conforming amendment No. 11 is removed.

21. On page 6648, column 2, conforming amendment No. 21 is removed.

22. On page 6648, column 2, in conforming amendment No. 23 (§ 410.175), "Part 424" is changed to "Subpart C of Part 424".

23. On page 6648, column 3, in conforming amendment No. 27a (§ 413.74), "Subpart G" is changed to "Subpart H".

24. On page 6648, column 3, in conforming amendment No. 29 (§ 416.30), "\$ 425.64" is changed to "\$ 424.64".

25. On page 6648, column 3, conforming amendment No. 38 is removed.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance, and No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: April 13, 1988.

James F. Trickett,
Deputy Assistant Secretary for
Administrative and Management Services.

[FR Doc. 88-8644 Filed 4-19-88; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS
COMMISSION

47 CFR Part 73

[MM Docket No. 87-435; RM-5840]

Radio Broadcasting Services; Lehigh
Acres, FLAGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 296C2 for Channel 296A at Lehigh Acres, Florida, and modifies the license for Station WOOJ-FM at the request of Dwyer Broadcasting, Inc., to provide for a first wide coverage area station. The proposed transmitter site for Channel 296C2 is 17.9 miles south of Lehigh Acres at coordinates 26-22-08 and 81-40-29. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 31, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-435, adopted April 5, 1988, and released April 14, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Florida, by adding Channel 296C2 and removing Channel 296A at Lehigh Acres.

Federal Communications Commission,
Steve Kaminer,
Deputy Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 88-8633 Filed 4-19-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-285; RM-5813]

Radio Broadcasting Services;
Boothbay Harbor, MEAGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 244B1 for Channel 244A at Boothbay Harbor, Maine, as that community's first wide coverage area broadcast service, in response to a petition filed by Bay Communications, Inc. We have also authorized the modification of Station WCME's license to specify Channel 244B1 in lieu of Channel 244A. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 31, 1988.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-285, adopted March 28, 1988, and released April 14, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments under Maine is amended by removing Channel 244A and adding Channel 244B1 at Boothbay Harbor.

Federal Communications Commission,
Steve Kaminer,
Deputy Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 88-8632 Filed 4-19-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-187; RM-5564]

Radio Broadcasting Services; Bad Axe,
MIAGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document allocates FM Channel 271C2 to Bad Axe, Michigan, and modifies the license of Station WLEW(FM), Channel 221A, to specify operation on Channel 271C2. This action is taken in response to a petition filed by Thumb Broadcasting, Inc., licensee of Station WLEW(FM). Comments were filed by the petitioner. No other comments were received. Canadian concurrence has been obtained for the allocation of Channel 271C2 at Bad Axe, Michigan. The coordinates for Channel 271C2 are 43-53-55, 83-07-37. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 31, 1988.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-187, adopted March 25, 1988, and released April 14, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended in the entry of Bad Axe, Michigan, to remove Channel 221A and add Channel 271C2.

Federal Communications Commission,
Steve Kaminer,
Deputy Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 88-8630 Filed 4-19-88; 8:45 am]

BILLING CODE 6712-01-M