

of effective date as a result of our review of the public comments that we received on the January 4, 2001 physician self-referral final rule. As discussed above, we understand from those comments that, unless we delay the effective date of the last sentence of § 411.354(d)(1), hospitals, academic medical centers, and other entities will have to renegotiate numerous contracts for physician services, potentially causing significant disruption within the health care industry. We are concerned that the disruption could unnecessarily inconvenience Medicare beneficiaries or interfere with their medical care and treatment. Accordingly, we do not believe that it is in the public interest to offer yet another opportunity for public comment on essentially the same issue in the limited context of whether to delay this sentence of the regulation. In addition, given the imminence of the January 4, 2002 effective date, we find that seeking public comment on this delay in effective date would be impracticable because it would generate uncertainty regarding an imminent effective date. This uncertainty could cause health care providers to renegotiate thousands of contracts with physicians in an effort to comply with the regulation by January 4, 2002 if the proposed delay is not finalized until after the opportunity for public comment. Thus, providing the opportunity for public comment could result in the very disruption that this delay of effective date is intended to avoid.

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program; Program No. 93.774, Medicare—Supplementary Medical Insurance Program; and Program No. 93.778, Medical Assistance Program)

Dated: November 5, 2001.

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

Approved: November 19, 2001.

**Tommy G. Thompson,**  
*Secretary.*

[FR Doc. 01-29904 Filed 11-28-01; 3:20 pm]

BILLING CODE 4120-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-2880; MM Docket No. 99-259; RM-9685, RM-9775]

#### Radio Broadcasting Services; Soperton, Swainsboro, and East Dublin, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** At the request of Lacom Communications, Inc. this document substitutes Channel 251C3 for Channel 251A at Swainsboro, Georgia, reallots Channel 251C3 to East Dublin, Georgia, and modifies the Station WELT license to specify operation on Channel 251C3 at East Dublin, Georgia. See 64 FR 39964, published July 23, 1999. In doing so, this document denies a proposal filed by John Morgan Dowdy proposing a Channel 253A allotment at Soperton, Georgia. The reference coordinates for the Channel 251C3 allotment at East Dublin, Georgia, are 32-33-28 and 82-42-10.

**DATES:** Effective January 2, 2002.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order* in MM Docket No. 99-259, adopted November 14, 2001, and released November 16, 2002. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, D.C. The complete text of this decision 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](mailto:qualexint@aol.com).

#### 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—RADIO BROADCAST SERVICES

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

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

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 251A, Swainsboro, and adding East Dublin, Channel 251C3.

Federal Communications Commission.

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

[FR Doc. 01-29873 Filed 11-30-01; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-2679; MM Docket No. 01-12; RM-10039]

#### Radio Broadcasting Services; Arthur, ND

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Vision Media, Incorporated, substitutes Channel 280A for Channel 244A at Arthur, North Dakota, and modifies Station WVMF(FM)'s license accordingly. See 66 FR 8559, February 1, 2001. Channel 280A can be allotted to Arthur in compliance with the Commission's minimum distance separation requirements with site restriction of 6.35 kilometers (3.94 miles) west at petitioner's requested site. The coordinates for Channel 280A at Arthur are 47-05-42 North Latitude and 97-18-01 West Longitude.

**DATES:** Effective December 31, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 01-12, adopted November 7, 2001, and released November 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Qualex International, Portals II, 445 12th Street, SW, Room CY-B-402, Washington, DC 20554.

#### 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—RADIO BROADCAST SERVICES**

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

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

#### **§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under North Dakota, is amended by adding Channel 280A and removing Channel 244A at Arthur.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-29872 Filed 11-30-01; 8:45 am]

**BILLING CODE 6712-01-P**

### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[DA 01-2628; MM Docket No. 00-195; RM-9973, RM-10193, RM-10194]

#### **Radio Broadcasting Services; Clinton and Oliver Springs, TN**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a *Notice of Proposed Rule Making*, 65 FR 64924 (October 31, 2000), that proposed the allotment of Channel 291A to Clinton, Tennessee, this document grants a counterproposal to allot Channel 291A to Oliver Springs, Tennessee, and provides Oliver Springs with its first local competitive aural transmission service. The initial petition for rulemaking filed by Clyde Scott, Jr., D.B.A. EME Communications, that proposed allotting Channel 291A to Clinton as a fourth local aural transmission service, was denied. The coordinates for Channel 291A at Oliver Springs are 36-05-12 North Latitude and 84-21-25 West Longitude.

**DATES:** Effective December 24, 2001.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00-195, adopted October 31, 2001, and released November 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference

Information Center at Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. The document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202 863-2893, facsimile 202 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### **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—RADIO BROADCAST SERVICES**

1. The authority citation for Part 73 reads as follows:

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

#### **§ 73.202 [Amended]**

1. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by adding Channel 291A at Oliver Springs.

Federal Communications Commission.

**John A. Karousos**

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

[FR Doc. 01-29871 Filed 11-30-01; 8:45 am]

**BILLING CODE 6712-01-P**

### **DEPARTMENT OF TRANSPORTATION**

#### **National Highway Traffic Safety Administration**

#### **49 CFR Part 571**

[Docket No. NHTSA-98-4515; Notice 4]

**RIN 2127-AI57**

#### **Federal Motor Vehicle Safety Standards**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Response to petitions for reconsideration; final rule.

**SUMMARY:** This document responds to petitions for reconsideration of the Federal motor vehicle safety standard that addresses occupant crash safety issues exclusive to electric vehicles: electrolyte spillage and electrical shock protection. We are making clarifying amendments regarding the application of the standard, and regarding the test conditions for battery state of charge and electrical isolation. We are denying a petition to specify an alternative performance requirement for electrical isolation.

**DATES:** The final rule is effective December 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, contact Charles Hott, Office of Safety Performance Standards, NHTSA (202-366-0427). For legal issues, contact Taylor Vinson, Office of Chief Counsel, NHTSA (202-366-5263).

**SUPPLEMENTARY INFORMATION:** On September 27, 2000, the agency published a final rule establishing Federal Motor Vehicle Safety Standard No. 305 "Electric-powered vehicles: Electrolyte spillage and electrical shock protection" (65 FR 57980), effective October 1, 2001. On February 8, 2001, the effective date was delayed to December 1, 2001 (66 FR 9533).

Standard No. 305 applies to all electric vehicles (EVs) (except those covered by FMVSS No. 500 "Low-Speed Vehicles") that have a propulsion power source greater than 48 volts and a gross vehicle weight rating (GVWR) of 4536 kg (10,000 lbs) or less. The final rule was based on the Society of Automotive Engineers (SAE) J1766 "Recommended Practice for Electric and Hybrid Electric Vehicle Battery Systems Crash Integrity Testing." The final rule contains provisions similar to those in the SAE recommended practice, with only those changes that were necessary to accommodate the regulatory text.

Standard No. 305 establishes performance criteria that must be met when an EV is subjected to the frontal impact test procedures of Standard No. 208 (including the 30-degree oblique impact test), the side impact test procedures of Standard No. 214, and the rear impact test procedure of Standard No. 301. No spillage of electrolyte into the occupant compartment is permitted. Electrolyte spillage outside the passenger compartment is limited to 5 liters for the 30-minute period after vehicle motion ceases, and throughout the post-crash rollover test. Battery modules must stay restrained in the vehicle without any component intruding into the occupant compartment. Electrical isolation between the chassis and high voltage system must be at least 500 ohms per nominal volt as determined by the SAE test procedure.

#### **Petitions for Reconsideration**

We received two petitions for reconsideration of Standard No. 305, one from General Motors Corporation (GM) and another from DaimlerChrysler Corporation (DC).

##### *1. Petition Pertaining to S3, Application*

GM believes that a change in the regulatory text of S3 Application is