

commercial traffic through the regulated navigation zone.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under sections 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 CFR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

To avoid any unnecessary adverse economic impact on businesses which use the river for commercial purposes, Captain of the Port, Louisville, Kentucky will monitor river conditions and will ease restrictions in the regulated area as conditions permit. Change will be announced by Marine Safety Information Radio Broadcast (Broadcast Notice to Mariners) on VHF marine band radio, channel 22 (157.1 MHz). Mariners may also call the Port Management Officer, Captain of the Port, Louisville, Kentucky at (502) 582-5194 for current information.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2-1, paragraph (34)(g) of Commandant

Instruction M16475.1C, this rule is categorically excluded from further environmental documentation as an action required to protect public safety.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

Temporary Regulations

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary § 165-T08-038 is added to read as follows:

§ 100-T08-038 Regulated navigation area: Ohio River.

(a) *Location.* The Ohio River between mile 461.0 and 462.0 is established as a regulated navigation area.

(b) *Regulations.* (1) Commercial vessels transiting the regulated navigation area shall proceed at minimum steerage and at the direction of the Coast Guard officers or petty officers who will be patrolling the regulated area on board Coast Guard vessels.

(2) Recreational vessels within the area shall not anchor or moor in the navigable channel.

(3) Depending on on-scene conditions, the Captain of the Port, Louisville, Kentucky, upon request, or for good cause, may authorize deviation from this section if the Captain of the Port, Louisville, Kentucky, finds that the proposed or needed operations can be performed safely.

(4) The Captain of the Port, Louisville, Kentucky will notify the maritime community of river conditions affecting the area covered by this regulated navigation area by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Effective date.* This section will be effective from 8 p.m. to 11:30 p.m. on July 24 and 25, 1998.

Dated: June 25, 1998.

Paul J. Fluta,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 98-18557 Filed 7-10-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NM35-1-7366; FRL-6118-4]

Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for New Mexico and Albuquerque

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: The EPA is revising the format of 40 CFR part 52, subpart GG for materials submitted by New Mexico and Albuquerque that are incorporated by reference (IBR) into the State Implementation Plans (SIPs). The regulations affected by this format change have all been previously submitted by the respective State agency and approved by EPA. This format revision will primarily affect the "Identification of plan" sections of CFR 52.1620, as well as the format of the SIP materials that will be available for public inspection at the EPA Region 6 office, the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, DC., and the Office of the Federal Register. The sections of 40 CFR 52.1620 pertaining to provisions promulgated by EPA or State-submitted materials not subject to IBR review and 40 CFR 52.1621 through 52.1639 remain unchanged.

EFFECTIVE DATE: This action is effective July 13, 1998.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Scoggins, Air Planning Section (6PD-L) at the above Region 6 address or at (214) 665-7354.

SUPPLEMENTARY INFORMATION:

Background

Each State is required by section 110(a)(1) of the Act, to have a SIP that contains the control measures and strategies which will be used to attain

and maintain the national ambient air quality standards. The SIP is extensive, containing such elements as emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each State after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must formally act.

Once these control measures are approved by EPA pursuant to 110(k) of the Act, after notice and comment, they are incorporated into the SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The actual State regulations which are approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by reference," which means that the citation of a given State regulation with a specific effective date has been approved by EPA. This format allows both EPA and the public to know which measures are contained in a given SIP and ensures that the State is enforcing the regulations. It also allows EPA and the public to take enforcement action, should a State not enforce its SIP-approved regulations.

The SIP is an active or changing document which can be revised by the State as necessary to address the unique air pollution problems in the State as long as changes are not contrary to federal law. Therefore, EPA, from time to time, must take action to incorporate into the SIP, revisions of the state program which may contain new and/or revised regulations. Regulations approved into the SIP are then incorporated by reference into part 52. As a result of consultations between EPA and the Office of Federal Register, EPA revised the procedures on May 22, 1997 (62 FR 27968), for incorporating by reference federally-approved SIPs and began the process of developing pursuant to 110(h)(1) of the Act: (1) A revised SIP document for each State that would be incorporated by reference under the provisions of 1 CFR part 51; (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR; and (3) a revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

Content of Revised IBR Document

The new SIP compilations contain the federally-approved portion of state regulations and source specific permits submitted by each State agency. These regulations and source-specific permits have all been approved by EPA through previous rulemaking actions in the **Federal Register**. The SIP compilations are stored in 3-ring binders and will be updated primarily on an annual basis. If no significant changes are made for any state to the SIP during the year, an update will not be made during that year. If significant changes occur during the year, an update could be done on a more frequent basis, as applicable. Typically, only the revised section of the compilation will be updated. Complete resubmittals of a state SIP compilation will be done on an as-needed basis.

Each compilation contains two parts. Part 1 contains the regulations and Part 2 contains the source-specific permits that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for these states. The regional EPA offices have the primary responsibility for ensuring accuracy and updating the compilations. The Region 6 EPA Office developed and will maintain the compilations for New Mexico and for Albuquerque. A copy of the full text of the State's current compilation will also be maintained at the Office of Federal Register and EPA's Air Docket and Information Center. The EPA is beginning the phasing in of SIP compilations for individual states, and expects to complete the conversion of the revised "Identification of plan" format and IBR documentation for all states by May 1999. This revised format is consistent with the SIP compilation requirements of section 110(h)(1) of the Act.

Revised Format of the "Identification of Plan" Sections in Each Subpart

In order to better serve the public, EPA is revising the organization of the "Identification of plan" section of 40 CFR section 52.1620. The EPA is including additional information which will more clearly identify what provisions constitute the enforceable elements of the SIP.

The revised "Identification of plan" section will contain five subsections: (a) Purpose and scope, (b) Incorporation by reference, (c) EPA approved regulations, (d) EPA approved source-specific permits, and (e) EPA approved

nonregulatory provisions, such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

Enforceability and Legal Effect

This change to the procedures for incorporation by reference announced today will not alter in any way the enforceability or legal effect of approved SIP materials, including both those approved in the past or to be approved in the future. As of the effective date of the final rule approving a SIP revision, all provisions identified in the **Federal Register** document announcing the SIP approval will be federally enforceable, both by EPA under section 113 of the Act and by citizens under section 304 of the Act, where applicable. All revisions to the applicable SIP are federally enforceable as of the effective date of EPA approval even if they have not yet been incorporated by reference. To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA is retaining the original "Identification of Plan" section, previously appearing in the CFR as the first or second section of part 52 for each State subpart.

Notice of Administrative Change

Today's action constitutes a "housekeeping" exercise to ensure that federally approved state plans are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA Regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

The EPA has determined that today's rule falls under the "Good Cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" since the codification only reflects existing law. Immediate revision to the CFR benefits the public by removing outdated citations.

Administrative Requirements**A. Executive Order (E.O.) 12866 and 13045**

The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review. In addition, this regulatory action is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under E.O. 12866.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities, 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The regulations affected by this format change to 40 CFR part 52 have all been previously submitted by the respective State agency and approved by EPA. Therefore, the Regional Administrator certifies that there is no significant impact on any small entities affected.

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal

governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Judicial Review

The EPA has determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions approving each individual component of New Mexico and Albuquerque SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to provide an additional opportunity for judicial review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 9, 1998.

Jerry Clifford,

Deputy Regional Administrator, Region 6.

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

1. The authority for citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart GG—New Mexico**§ 52.1620 [Redesignated as § 52.1640]**

2. Section 52.1620 is redesignated as § 52.1640 and the section heading and paragraph (a) are revised to read as follows:

§ 52.1640 Original Identification of plan section.

(a) This section identifies the original "State of New Mexico Implementation Plan" and all revisions submitted by New Mexico that were federally approved prior to January 1, 1998.

* * * * *

3. A new § 52.1620 is added to read as follows:

§ 52.1620 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for New Mexico under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (e) of this section with an EPA approval date prior to January 1 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (e) of this section with EPA approval dates after January 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of January 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202-2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, DC 20460; or at the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(c) EPA approved regulations.

EPA APPROVED NEW MEXICO REGULATIONS

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 2—Air Quality				
Part 1	General Provisions	10/27/95	11/25/97, 62 FR 50514	This date reflects a recodification, not EPA approval of underlying requirement.
Part 2	Definitions	11/30/95	11/25/97, 62 FR 50514	
Part 3	Ambient Air Quality Standards	11/30/95	11/25/97, 62 FR 50514	
Part 5	Source Surveillance	11/30/95	11/25/97, 62 FR 50514	
Part 7	Excess emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance.	11/30/95	11/25/97, 62 FR 50514	
Part 8	Emissions Leaving New Mexico	11/30/95	11/25/97, 62 FR 50514	
Part 10	Woodwaste Burners	11/30/95	11/25/97, 62 FR 50514	
Part 11	Asphalt Process Equipment	11/30/95	11/25/97, 62 FR 50514	
Part 12	Cement Kilns	11/30/95	11/25/97, 62 FR 50514	
Part 13	Gypsum Processing Plants	11/30/95	11/25/97, 62 FR 50514	
Part 14	Particulate Emissions From Coal Burning Equipment.	11/30/95	11/25/97, 62 FR 50514	
Part 15	Pumice, Mica and Perlite Process Equipment.	11/30/95	11/25/97, 62 FR 50514	
Part 16	Nonferrous Smelters (New and Existing)-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 17	Nonferrous Smelters (Existing)-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 18	Oil Burning Equipment-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 19	Potash, Salt or Sodium Sulfate Processing Equipment-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 20	Lime Manufacturing Plants-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 21	Fugitive Particulate Matter Emissions from Nonferrous Smelters.	11/30/95	11/25/97, 62 FR 50514	
Part 22	Fugitive Particulate Matter Emissions from Roads within the Town of Hurley.	11/30/95	11/25/97, 62 FR 50514	
Part 30	Kraft Mills	11/30/95	11/25/97, 62 FR 50514	
Part 31	Coal Burning Equipment-Sulfur Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 32	Coal Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 33	Gas Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 34	Oil Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 40	Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions.	11/30/95	11/25/97, 62 FR 50514	
Part 41	Nonferrous Smelters-Sulfur	11/30/95	11/25/97, 62 FR 50514	
Part 60	Open Burning	11/30/95	11/25/97, 62 FR 50514	
Part 61	Smoke and Visible Emissions	11/30/95	11/25/97, 62 FR 50514	
Part 70	Operating Permits	11/30/95	11/25/97, 62 FR 50514	
Part 71	Operating Permit Emission Fees	11/30/95	11/25/97, 62 FR 50514	
Part 72	Construction Permits	11/30/95	11/25/97, 62 FR 50514	
Part 73	Notice of Intent and Emissions Inventory Requirements.	11/30/95	11/25/97, 62 FR 50514	
Part 74	Prevention of Significant Deterioration	7/20/95	10/15/96, 61 FR 53639	
Part 75	Construction Permit Fees	11/30/95	11/25/97, 62 FR 50514	
Part 79	Permits-Nonattainment Areas	11/30/95	11/25/97, 62 FR 50514	
Part 80	Stack Heights	11/30/95	11/25/97, 62 FR 50514	

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
Regulation No.	Albuquerque/Bernalillo County, Air Quality Control Regulations			
1	Resolutions	01/12/79	04/10/80, 45 FR 24468	

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
2	Definitions	03/16/89	12/21/93, 58 FR 67333	
3	Open Burning	01/12/79	04/10/80, 45 FR 24468	
4	Incinerators	01/12/79	04/10/80, 45 FR 24468	
5	Visible Air Contaminants	01/12/79	04/10/80, 45 FR 24468	
6	Orchard Heaters	01/12/79	04/10/80, 45 FR 24468	
7	Motor Vehicle Air Pollution Control Devices.	01/12/79	04/10/80, 45 FR 24468	
8	Airborne Particulate Matter	03/17/83	02/23/93, 58 FR 10972	
9	Process Equipment	01/12/79	04/10/80, 45 FR 24468	
10	Kraft Mills	01/12/79	04/10/80, 45 FR 24468	
11	Organic Fluids	01/12/79	04/10/80, 45 FR 24468	
12	Coal Burning Equipment—Nitrogen Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
13	Coal Burning Equipment—Sulfur Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
14	Coal Burning Equipment—Particulate Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
15	Oil Burning Equipment—Nitrogen Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
16	Oil Burning Equipment—Particulate Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
17	Oil Burning Equipment—Sulfur Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
18	Gas Burning Equipment—Nitrogen Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
19	Breakdown, Abnormal Operating Conditions, or Scheduled Maintenance.	01/12/79	04/10/80, 45 FR 24468	
20	Permits	02/26/93	03/16/94, 59 FR 12172	
21	Permit Fees	01/12/79	04/10/80, 45 FR 24468	
22	Registration of Air Contaminant Sources.	01/12/79	04/10/80, 45 FR 24468	
23	Source Surveillance	01/12/79	04/10/80, 45 FR 24468.	
24	Variance Procedure	01/12/79	04/10/80, 45 FR 24468	
25	Administration and Enforcement	01/12/79	04/10/80, 45 FR 24468	
26	Interpretation	01/12/79	04/10/80, 45 FR 24468	
27	Emergency Action Plan	01/12/79	04/10/80, 45 FR 24468	
28	Motor Vehicle Inspection	07/01/95	06/13/96, 61 FR 29970	
29	Prevention Of Significant Deterioration.	03/26/93	12/21/93, 58 FR 67333	
30–31	NSPS/NESHAPS			REGS NOT IN SIP. See Notice of Delegation published 10/06/95, 60 FR 52329.
32	Construction Permits—Nonattainment Areas.	02/26/93	12/21/93, 58 FR 67329	
33	Stack Height Requirements	03/16/89	03/05/91, 56 FR 09175	
34	Woodburning	11/27/91	11/23/93, 58 FR 62539	
35	Alternative Fuels	11/10/93	05/05/94, 59 FR 23168	
42	Transportation Conformity	11/09/94	11/08/95, 60 FR 56244	
43	General Conformity	11/09/94	09/13/96, 61 FR 48407	42.11 not approved by EPA.

(d) [Reserved]

(e) EPA approved nonregulatory provisions.

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP

State citation	Title/subject	State Approval/effective date	EPA approval date	Comments
NMSA 1978—New Mexico Statutes in the Current New Mexico SIP				
74–2–1	Short Title	08/11/83	11/02/84, 49 FR 44101	
74–2–2	Definitions	08/11/83	11/02/84, 49 FR 44101	
74–2–3	State Air Pollution Control Agency	08/11/83	11/02/84, 49 FR 44101	
74–2–4	Municipal or County Air Quality Control Board.	08/11/83	11/02/84, 49 FR 44101	
74–2–5	Duties and Powers of Board	08/11/83	11/02/84, 49 FR 44101	

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP—Continued

State citation	Title/subject	State Approval/ effective date	EPA approval date	Comments
74-2-6	Adoption of Regulations Notice and Hearings.	08/11/83	11/02/84, 49 FR 44101	
74-2-7	Permits	08/11/83	11/02/84, 49 FR 44101	
74-2-8	Variances	08/11/83	11/02/84, 49 FR 44101	
74-2-9	Variances—Judicial Review	08/11/83	11/02/84, 49 FR 44101	
74-2-10	Emergency Procedure	08/11/83	11/02/84, 49 FR 44101	
74-2-11	Confidential Information	08/11/83	11/02/84, 49 FR 44101	
74-2-11.1	Limitations on Regulations	08/11/83	11/02/84, 49 FR 44101	
74-2-12	Enforcement	08/11/83	11/02/84, 49 FR 44101	
74-2-13	Inspection	08/11/83	11/02/84, 49 FR 44101	
74-2-14	Penalties	08/11/83	11/02/84, 49 FR 44101	
74-2-15	Additional Means of Enforcement	08/11/83	11/02/84, 49 FR 44101	
74-2-15.1	Primary Nonferrous Smelter Orders ..	08/11/83	11/02/84, 49 FR 44101	
74-2-16	Declaratory Judgement of Regulation	08/11/83	11/02/84, 49 FR 44101	
74-2-17	Continuing Effect of Present Laws, Rules, and Regulations.	08/11/83	11/02/84, 49 FR 44101	

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BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 409, 410, 411, 413, 424, 483, and 489

[HCFA-1913-N]

RIN 0938-A147

Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities; Extension of Comment Period

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

ACTION: Notice of extension of comment period for interim final rule.

SUMMARY: This document extends the comment period for an interim final rule with comment period that was published in the **Federal Register** on May 12, 1998 (63 FR 26252). That interim final rule implements provisions in section 4432 of the Balanced Budget Act of 1997 related to Medicare payment for skilled nursing facility services. Those include the implementation of a Medicare prospective payment system for skilled nursing facilities, consolidated billing, and a number of related changes. The comment period is extended for 60 days.

DATES: The comment period is extended to 5 p.m. on September 11, 1998.

ADDRESSES: Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA-1913-IFC, P.O. Box 26688, Baltimore, MD 21207-0488.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses: Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, or Room C5-09-26, Central Building, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA-1913-IFC. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue, SW, Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690-7890).

For comments that relate to information collection requirements, mail a copy of comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Herron Eydtt, HCFA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Laurence Wilson, (410) 786-4603 (for general information). John Davis, (410) 786-0008 (for information related to the Federal rates). Dana Burley, (410) 786-

4547 (for information related to the case-mix classification methodology). Steve Raitzyk, (410) 786-4599 (for information related to the facility-specific transition payment rates). Bill Ullman, (410) 786-5667 (for information related to consolidated billing and related provisions).

SUPPLEMENTARY INFORMATION: On May 12, 1998, we issued an interim final rule with comment period in the **Federal Register** (63 FR 26252) that implements provisions in section 4432 of the Balanced Budget Act of 1997 related to Medicare payment for skilled nursing facility services. Those include the implementation of a Medicare prospective payment system for skilled nursing facilities, consolidated billing, and a number of related changes. We indicated that comments would be considered if we received them by July 13, 1998.

Because of the complexity and scope of the interim final rule and because numerous members of the industry and professional associations have requested more time to analyze the potential consequences of the rule, we have decided to extend the comment period for an additional 60 days. This document announces the extension of the public comment period to September 11, 1998.

Authority: Secs. 1102 and 1871 of the Social Security Act. (42 U.S.C. 1302 and 1395hh). (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; Program No. 93.774, Medicare—Supplementary Medical Insurance Program)