

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 the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

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

Dated: January 27, 2009.

**Ira W. Leighton,**

*Acting Regional Administrator, EPA New England.*

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

#### PART 52—[AMENDED]

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

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

#### Subpart EE—New Hampshire

■ 2. Section 52.1534 is amended by adding paragraph (d) to read as follows:

##### **§ 52.1534 Control strategy: Ozone.**

\* \* \* \* \*

(d) Approval—Revision to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on May 28, 2008. This revision establishes Year 2009 motor vehicle emission budgets of

15.31 tons per summer day of volatile organic compounds (VOC) and 28.53 tons per summer day of nitrogen oxides (NO<sub>x</sub>) to be used in transportation conformity in the Boston-Manchester-Portsmouth (SE), New Hampshire moderate 8-hour ozone nonattainment area.

[FR Doc. E9–4134 Filed 2–26–09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA–R07–RCRA–2008–0830; FRL–8778–1]

#### Nebraska: Final Authorization of State Hazardous Waste Management Program Revisions; Withdrawal of Immediate Final Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of immediate final rule.

**SUMMARY:** Because EPA received adverse comment, we are withdrawing the immediate final rule for Nebraska: Final Authorization of State Hazardous Waste Management Program Revisions, published on December 30, 2008.

**DATES:** Effective February 27, 2009, EPA withdraws the immediate final rule published at 73 FR 79661 on December 30, 2008.

**FOR FURTHER INFORMATION CONTACT:** Lisa Haugen, Immediate Office, Air and Waste Management Division, EPA Region 7, 901 North 5th Street, Kansas City, Kansas 66101, telephone (913) 551–7877, [haugen.lisa@epa.gov](mailto:haugen.lisa@epa.gov).

**SUPPLEMENTARY INFORMATION:** Because EPA received adverse comment, we are withdrawing the immediate final rule for Nebraska: Final Authorization of State Hazardous Waste Management Program Revisions published on December 30, 2008 (73 FR 79661). We stated in that immediate final rule that if we received adverse comment by January 29, 2009, the immediate final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. We will address the comment in a subsequent final action. As stated in the immediate final rule and the parallel proposed rule, we will not institute a second comment period in this action.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste

transportation, Incorporation by reference, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of section 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926 and 6974(b).

Dated: February 23, 2009.

**William Rice,**

*Acting Regional Administrator, Region 7.*

[FR Doc. E9–4231 Filed 2–26–09; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Parts 401 and 405

[CMS–4064–RCN2]

RIN 0938–AM73

#### Medicare Program; Changes to the Medicare Claims Appeal Procedures; Continuation of Effectiveness and Extension of Timeline for Publication of Final Rule

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

**ACTION:** Interim final rule with comment period; continuation of effectiveness and extension of timeline for publication of final rule.

**SUMMARY:** This notice announces the continuation of effectiveness of a Medicare interim final rule with comment period and the extension of the timeline for publication of the final rule. This notice is issued in accordance with section 1871(a)(3)(C) of the Social Security Act (the Act), which allows an interim final rule to remain in effect after the expiration of the timeline specified in section 1871(a)(3)(B) of the Act (the "regular timeline") or, if applicable, at the end of each succeeding 1-year extension to the regular timeline, if prior to the expiration of the timeline, the Secretary publishes in the **Federal Register** a notice of continuation and explains why the regular timeline or any subsequent extension was not complied with.

**DATES:** *Effective Date:* February 27, 2009.

**FOR FURTHER INFORMATION CONTACT:** David Danek, (617) 565–2682. Arrah Tabe-Bedward, (410) 786–7129.

**SUPPLEMENTARY INFORMATION:**