

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 60****[EPA-R08-OAR-2007-0617; FRL-8570-3]****Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules and Alternative Monitoring Plan for Mandan Refinery; Delegation of Authority for New Source Performance Standards****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule and delegation of authority.

SUMMARY: EPA is proposing to approve revisions to the State Implementation Plan (SIP) as submitted by the Governor of North Dakota with a letter dated March 8, 2007. The revisions affect certain air pollution control rules regarding general provisions, open burning restrictions, permitting, and fugitive emissions. In addition, EPA is proposing to take direct final action approving a revision to a chapter of the SIP regarding an alternative monitoring plan for the Tesoro Mandan Refinery. EPA is also providing notice that on August 22, 2007, North Dakota was delegated authority to implement and enforce certain New Source Performance Standards, as in effect on January 31, 2006. In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

DATES: Written comments must be received on or before June 26, 2008.**ADDRESSES:** Submit your comments, identified by DOCKET ID No. EPA-R08-OAR-2007-0617, by one of the following methods:

- <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *E-mail:* Platt.Amy@epa.gov.
- *Fax:* (303) 312-6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

- *Mail:* Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

- *Hand Delivery:* Director, Air Program, EPA Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules Section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Amy Platt, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, (303) 312-6449, Platt.Amy@epa.gov.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

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

Dated: May 7, 2008.

Carol Rushin,

Acting Regional Administrator, Region 8.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services****42 CFR Part 418****[CMS-3844-RCN]****RIN 0938-AH27****Medicare and Medicaid Programs; Hospice Conditions of Participation Extension of Timeline for Publication of Final Rule****AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.**ACTION:** Extension of timeline for publication of final rule.

SUMMARY: This notice announces an extension of the timeline for publication of the "Medicare and Medicaid Programs; Hospice Conditions of Participation" final rule. This notice is issued in accordance with section 1871(a)(3)(B) of the Social Security Act (the Act) which requires notice be provided in the **Federal Register** if a final regulation, due to exceptional circumstances, will take longer to publish than 3 years after the publication date of the proposed rule. In this case, the complexity of the rule and scope of comments warrants the extension of the timeline for publication.

DATES: *Effective Date:* This notice is effective on May 27, 2008.

FOR FURTHER INFORMATION CONTACT: Mary Rossi-Coajou, (410) 786-6051, or Danielle Shearer, (410) 786-6617.

SUPPLEMENTARY INFORMATION:**I. Background**

On May 27, 2005, we published in the **Federal Register** a proposed rule (70 FR 30840) that would establish new conditions of participation for Medicare-participating hospices. The proposed revisions would focus on the care delivered to patients and their families and the outcomes of that care by reflecting an interdisciplinary, patient-centered approach to care planning and delivery and allowing hospices flexibility in meeting quality standards.

II. Notice of Continuation

This notice announces an extension of the timeline for publication of a final rule responding to comments on the above proposed rule. Section 1871(a)(3)(B) of the Act requires the Secretary to publish final regulations no later than 3 years after the publication date of the proposed rule. To meet this 3-year timeframe, the final rule would have to be published by May 27, 2008.

Section 1871(a)(3)(B) also provides that under "exceptional circumstances," the Secretary may extend the initial targeted publication date of a final regulation. The Secretary is required, prior to the regulation's previously established proposed publication date, to provide public notice of this extension in the **Federal Register**, including a brief explanation of the justification for the variation.

This notice extends the timeline based on the following exceptional circumstances, which we believe, justify such an extension. We are not able to