regulations for this attainment area (designated under Section 107 of the Clean Air Act) the baseline date has not yet been triggered for this area. Therefore, no analysis of PSD increments consumption is required for this SIP revision.

Based on the analysis of the ambient air quality data and USEPA's modified rollback model, USEPA has determined that approval of this SIP revision will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards. Therefore, USEPA is revising the State Implementation Plan for sulfur dioxide as it applies to the Youngstown Sheet and Tube Company in Mahoning County.

Under Executive Order 12044 (43 FR 12661) USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized". I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110 of the Clean Air Act as amended 42 U.S.C. 7410)

Dated: November 24, 1980.

Douglas Costle,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended by adding 52.1881(b)(40)(viii) and (b)(40)(ix):

Subpart KK—Ohio

1. Section 52.1881 is amended as follows:

§ 52.1881 Control Strategy: Sulfur Oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio

* * * * *

(40) In Mahoning County * * *

* * * * *

(viii) The Youngstown Sheet and Tube Company or any subsequent owner or operator of the Brier Hill Works located in Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 0.00 pound sulfur dioxide per million BTU actual heat input.

* * * * *

(ix) The Youngstown Sheet and Tube Company or any subsequent owner or operator of the Campbell and Struthers Works located in Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide except as specified below:

(A) 2.67 pounds of sulfur dioxide per million BTU actual heat input from any stack at the coke plant.

(B) For the seamless mills, paragraphs (1), (2) or (3) apply in conjunction with paragraph (4).

(1) 2.67 pounds of sulfur dioxide per million BTU actual heat input from any stack when coke oven gas is being combusted.

(2) When mixed gases are being combusted the maximum allowable emission limit from each stack shall be determined by the following equation:
EL = BF x 2.67 lbs SO2/MMBTU

$$BF = \frac{\text{BTU content of coke oven gas}}{\text{BTU content of combined gas}}$$

(3) 18.68 pounds of sulfur dioxide per ton of process weight from any stack when any fuel is being combusted.

(4) 2309 tons of sulfur dioxide per any 365 day period from the seamless mills as a whole.

(C) For the boilerhouse, paragraphs (1), (2), (3), (4) or (5) apply in conjunction with paragraph (6).

(1) 2.67 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when coke oven gas is being combusted.

(2) When mixed gases are being combusted the maximum allowable emission limit from each stack shall be determined by the following equation:
EL = BF x 2.67 lbs SO2/MMBTU

$$BF = \frac{\text{BTU content of coke oven gas}}{\text{BTU content of combined gas}} \text{ (from any boiler unit)}$$

(3) 1.06 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when fuel oil is being combusted.

(4) 0.93 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when tar is being combusted.

(5) 4.77 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when coal is being combusted.

(6) 4747 tons of sulfur dioxide per any continuous 365 day period from the boilerhouse as a whole plus the fraction of the 365 day period emission limitation for the seamless mills not consumed by emissions from the seamless mills in the same 365 day period.

* * * * *

[FR Doc. 80-37247 Filed 11-28-80; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 60

[AD-FRL-1638-9]

Standards of Performance for New Stationary Sources Petroleum Refineries; Clarifying Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action clarifies which gaseous fuels used at petroleum refineries are covered by the existing standards of performance for petroleum refineries (40 CFR 60, Subpart J) and is implemented under the authority of Section 111 of the Clean Air Act. This action does not change the environmental, energy, and economic impacts of the existing standards.

EFFECTIVE DATE: December 1, 1980.

ADDRESSES: Docket No. A-79-56, containing all supporting information used by EPA in supporting this action, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:
Ms. Susan R. Wyatt, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number, (919) 541-5477.

SUPPLEMENTARY INFORMATION:

Summary of Amendment

The amendment as promulgated defines fuel gas as any gas which is generated at a refinery and which is combusted. It also includes natural gas when it is combined and combusted with a gas generated at a refinery. Gases generated by catalytic cracking unit catalyst regenerators and fluid coking burners are excluded from the definition of fuel gas.

The final amendment contains a minor wording change, but does not substantively differ from the proposed amendment. This action does not have any impact on the coverage of the existing standard and does not affect the economic, energy or environmental impacts of the present standard.

Summary of Comments and Changes to the Proposed Amendment

On March 3, 1980, EPA proposed in the **Federal Register** (45 FR 13991) an amendment intended to clarify the definition of fuel gas which is included in 40 CFR 60.101. The amendment proposed on March 3, 1980, defined fuel gas as "natural gas generated at a petroleum refinery, or any gas generated by a refinery process unit, which is combusted separately or in any combination with any type of natural gas." It excluded gases generated by catalytic cracking unit catalyst regenerators and fluid coking burners. The previous definition of fuel gas has been "natural gas or any gas generated by a petroleum refinery process unit which is combusted separately or in any combination." The purpose of the proposed amendment of March 3, 1980, was to clarify that natural gas produced outside of a refinery is not covered by the definition of fuel gas, unless the natural gas is combined with gases produced at a refinery. The purpose of the standard in 40 CFR 60, Subpart J is to prevent emissions of sulfur dioxide resulting from the burning of gaseous fuels containing hydrogen sulfide. If commercial natural gas is combusted, there is essentially no potential for sulfur dioxide emissions since this gas has to be relatively free of hydrogen sulfide in order to meet pipeline specifications.

Another purpose of the amendment proposed on March 3, 1980, was to clarify that any gas with the composition of natural gas which is generated at the refinery where it is combusted is covered by the definition of fuel gas. There are a number of gases generated on-site at a refinery, such as propane, butane, by-product gas resulting from catalytic cracking and reforming/hydrating processes, and occasionally, methane and ethane. Since these gases do not have to be treated to meet pipeline specifications, combustion of these gases can be a significant source of sulfur dioxide emissions.

Interested persons were given an opportunity to comment on the proposed change during a 60-day comment period which ended on May 2, 1980. Three comment letters were received, two from oil industry representatives and a third from a State environmental agency. All commenters agreed, in principle, with the definition of fuel gas included in the proposed action. However, the commenters expressed concern over the specific wording of the definition. One commenter said the wording used was generally confusing. The other two commenters specifically expressed concern over the phrase "natural gas generated at a petroleum refinery", since they argued natural gas is not conventionally thought of as being generated at a petroleum refinery.

EPA agrees that gases generated at a refinery which have the same composition as natural gas are not commonly referred to as natural gas. Furthermore, defining fuel gas as "any gas which is generated at a petroleum refinery" includes any gas which has the composition of natural gas. Therefore, the amendment which is being promulgated has been changed to remove the terminology "natural gas generated at a refinery." However, the intent and substance of the promulgated amendment is the same as the proposed amendment.

Docket

Docket No. A-79-56, containing all supporting information used by EPA, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1 (see Addresses section of this preamble).

The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the promulgated rule and EPA responses to comments, the contents of the dockets will serve as the record in case of judicial review [Section 307(d)(a)].

Miscellaneous

The effective date of this amendment is (date of promulgation). It applies to any affected facilities covered by Subpart J of 40 CFR Part 60.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. These other regulations are labeled "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Dated: November 24, 1980.

Douglas M. Costle,
Administrator.

Part 60 of chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.101 is amended by revising paragraph (d) as follows:

§ 60.101 Definitions.

* * * * *

(d) "Fuel gas" means any gas which is generated at a petroleum refinery and which is combusted. Fuel gas also includes natural gas when the natural gas is combined and combusted in any proportion with a gas generated at a refinery. Fuel gas does not include gases generated by catalytic cracking unit catalyst regenerators and fluid coking burners.

* * * * *

(Secs. 111 and 301(a) of the Clean Air Act is amended (42 U.S.C. Sections 7411 and 7601(a))).

[FR Doc. 80-37246 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Collection of Unpaid Medicare Premiums

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

ACTION: Final rule with comment period.

SUMMARY: This regulation specifies (1) the conditions under which HCFA will cease collection action on unpaid hospital insurance and supplementary medical insurance premiums; and (2) when collection action will be renewed. We are also clarifying the provision that specifies the sources from which we recover unpaid premiums. Under the regulations we will stop collection efforts when: 1. An individual, who is no longer entitled to a civil service annuity or to benefits under Title II or Title XVIII (Medicare) of the Social Security Act or the Railroad Retirement Act, is unable to make payment;

2. An individual's estate is unable to make payment; or

3. The cost of the collection activity is likely to exceed the amount to be recovered. (If an individual against whom collection activity has ceased later becomes entitled to benefits, HCFA will renew collection activity.)

Ceasing collection activity in these cases will enable us to reduce the costs of billing and records maintenance.

We are issuing these regulations as a final rule because they are technical regulations that authorize an internal operating procedure to clear our records. The regulations will not adversely affect any person or organization. Accordingly, we find good cause to waive the notice of proposed rulemaking. However, we are providing a comment period and will make any further revisions we find necessary based on comments we receive.

DATES: Effective December 31, 1980. To assure consideration, comments should be received by January 30, 1981.

ADDRESSES: Please address your comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17073, Baltimore, MD 21235.

If you prefer, you may deliver your comments to room 309-G Hubert H. Humphrey Building, 200 Independence Avenue, SW., in Washington, D.C.; or to room 789, East High Rise Building, 6401 Security Boulevard, in Baltimore, Maryland.

In commenting, please refer to file code BPP-86-FC. Comments will be available for public inspection, beginning approximately two weeks from today, in room 309-G of the Department's offices at 200 Independence Avenue, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (telephone 202-245-7890).

FOR FURTHER INFORMATION CONTACT: Harold Fishman, Health Care Financing Administration, Bureau of Program Policy, 448 East High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-9077.

SUPPLEMENTARY INFORMATION: Individuals generally become eligible for hospital insurance (section 1811 of the Social Security Act) under the Medicare program as a result of meeting a combination of requirements relating to age and entitlement to retirement or disability benefits under the Social Security or Railroad Retirement Acts. These individuals do not pay any premiums for this coverage. Section 1818 of the Social Security Act provides, however, that a person who is age 65, but who is not otherwise qualified for hospital insurance, may receive the coverage if a monthly premium is paid and certain other qualifications are met. For supplementary medical insurance (section 1831 of the Social Security Act), a basic requirement for all eligible individuals is that they pay a monthly premium.

Thus, HCFA or its designated agents receive premiums from those persons who must pay for hospital insurance as well as from all persons who enroll for supplementary medical insurance. If an enrollee receives monthly retirement, survivors or disability benefits under Title II of the Social Security Act, the Railroad Retirement Act, or an act (e.g., the Civil Service Retirement Act) administered by the Office of Personnel Management (formerly the Civil Service Commission), the premiums are automatically deducted from the benefits each month. Other enrollees mail the premium to HCFA or to designated agents each month or each quarter in response to billing, or the premium may be paid by a State in certain circumstances involving Supplemental Security Income or Medicaid entitlement. Under sections 1818(c) and 1838(b) of the Act, a grace period, during which entitlement is continued, is provided to enrollees for payment of overdue premiums. At the end of the grace period, if past due premiums have not been paid, HCFA terminates entitlement. Consequently, an enrollee may have several months of Medicare coverage for which premiums were not paid. These unpaid premiums are debts owed to the Federal government, and in accordance with the terms of the Federal Claims Collection Act of 1966 (31 U.S.C. 951-953), HCFA attempts to collect the debts.

In the case of supplementary medical insurance premiums, the amount of the debt is often small while the administrative costs of the collection effort are significant. We also encounter situations where individuals or their estates are simply unable to pay overdue premiums making further collection efforts futile.

The Federal Claims Collection Act (31 U.S.C. 952) authorizes the head of a Federal agency to compromise claims or to suspend or terminate collection action pursuant to regulations. Because HCFA does not currently have regulations on uncollectible premiums, we lack a legal basis for ceasing collection efforts in cases where the amount of indebtedness and the likelihood of recovery do not warrant the administrative, operational, or possible legal costs involved in further collection efforts.

Provisions of the Regulations

The regulations specify that HCFA will cease collection efforts if either of two basic conditions are met: (1) if the costs of the collection effort are likely to exceed the amount to be collected, or (2) if an individual whose enrollment under Medicare has been terminated or the estate of a deceased enrollee demonstrates an inability to pay the debt. Stopping collection efforts will mean that we will cease contacting persons who pay premiums directly to HCFA. For a person whose premiums normally have been deducted from monthly benefits payable under Title II of the Social Security Act, the Railroad Retirement Act or an act administered by the Office of Personnel Management, we will not terminate collection action until entitlement to these benefits ends and collection efforts have failed.

We will stop our efforts to collect from the estate of a deceased enrollee 27 months after the month of death. Under supplementary medical insurance, a claim can be submitted for as many as 27 months after the month in which the service is provided. (Section 1842(b)(3)(B) of the Social Security Act stipulates that a claim must be submitted no later than the end of the year following the year in which the service is furnished, but deems a service furnished in the last three months of a year to have occurred in the succeeding year.) Hence, a claim for a service provided in October, 1979 could be submitted to HCFA anytime through December, 1981. In this situation, we deduct any past due premiums from the amount payable to an enrollee or an enrollee's estate.

Finally, we state in the regulations that we will reinstate collection activities, which previously had been stopped if the individual begins to receive monthly benefits, either for the first time or on a renewed basis, under Title II of the Social Security Act, the Railroad Retirement Act, or an act administered by the Office of Personnel

Management. When collection efforts cease in the case of a living individual, we will document the file so that if benefits become due in the future, we will renew collection action accordingly.

Comment Period

This is a technical regulation required by the Federal Claims Collection Act, that authorizes an administrative procedure to clear our records. It will be of benefit to both HCFA and the individuals involved and will not adversely affect any person or organization. Therefore, we find that good cause exists to waive the notice of proposed rulemaking. However, we are providing a comment period, and we will revise the regulation as necessary based on comments we receive.

42 CFR Part 405, Subpart I is amended as set forth below: 1. The table of contents is revised as follows:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart I—Premiums for Supplementary Medical Insurance Benefits

* * * * *

§ 405.962 **Collection of unpaid premiums.**

* * * * *

2. Section 405.962 is revised as follows:

§ 405.962 **Collection of unpaid premiums.**

(a) *Purpose and basis.* (1) Unpaid hospital insurance or supplementary medical insurance premiums are debts owed to the Federal government by the enrollee or the enrollee's estate. This section describes how HCFA attempts to collect these debts and when HCFA will terminate collection action.

(2) Under the Federal Claims Collection Act of 1966 (31 U.S.C. 951–953), HCFA is required to collect any debts due it but is authorized to suspend or terminate collection action on debts of less than $20,000 when certain conditions are met. (See 4 CFR, Parts 101–105 for general rules implementing the Federal Claims Collection Act.)

(b) *Collection of unpaid premiums.* Generally, HCFA will attempt to collect unpaid premiums—(1) By billing enrollees who pay the premiums directly to HCFA or to a designated agent in accordance with § 405.908 (rules governing direct remittance); or

(2) From any benefits payable to the enrollee or to the estate of a deceased enrollee under Title II or XVIII of the Social Security Act, the Railroad Retirement Act or any act administered by the Office of Personnel Management (formerly the Civil Service Commission), in accordance with §§ 405.903(b) and 405.904 (payment of premiums).

(c) *Termination of collection action.* In cases of unsuccessful collection efforts, HCFA will terminate collection action on unpaid premiums except as provided in paragraph (d), if—

(1) The individual— (i) Is not entitled to benefits under the acts listed in paragraph (b)(2) of this section and is not currently enrolled in the supplementary medical insurance or premium hospital insurance programs; or

(ii) Has been deceased for more than 27 months (the maximum amount of time allowed for claiming supplementary medical insurance benefits); and

(2) Either of these conditions apply—(i) The individual or the legal representative of his or her estate demonstrates, to the satisfaction of HCFA, the present and prospective inability to pay the debt within a reasonable time; or

(ii) The cost of continued collection efforts is likely to exceed the amount to be recovered.

(d) *Renewal of collection efforts.* Although payment of overdue premiums is not a precondition for entitlement, HCFA will renew collection efforts—(1) If the cost of renewed collection efforts does not exceed the amount to be recovered; and

(2) If the individual—(i) Enrolls again for premium hospital insurance or supplementary medical insurance; or

(ii) Becomes entitled to monthly benefits, either for the first time or on a renewed basis, under Title II of the Social Security Act, the Railroad Retirement Act or an act administered by the Office of Personnel Management.

(Secs. 1102, 1818, 1832, 1838, 1840, 1870 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395i-2, 1395k, 1395q, 1395s, 1395gg and 1395hh; and the Federal Claims Collection Act of 1966 (31 U.S.C. 951–953))

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

Dated: September 5, 1980.

Howard Newman,

Administrator, Health Care Financing Administration.

Approved: November 19, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-37320 Filed 11-28-80; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5948]

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-5581 or Toll Free Line (800) 424-8872.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations of the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.