

§ 117.1039 Deep River.

The draw of the Washington State highway bridge, mile 3.5, near Deep River, need not open for the passage of vessels during construction of the adjacent replacement bridge.

Dated: November 16, 1987.

G.A. Penington,

Captain, U.S. Coast Guard, Acting
Commander, 13th Coast Guard District.

[FR Doc. 87-27138 Filed 12-16-87; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD13 87-06]

Security Zone; Hood Canal, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule adopts regulations which establish a permanent security zone in the waters of Hood Canal immediately adjacent to the Naval Submarine Base, Bangor, Washington. The U.S. Navy has requested the establishment of this security zone to protect assets which are vital to the national interest. The northern and southern shoreside limits of the security zone have been established to coincide with the northern and southern land boundaries of the Submarine Base. The security zone extends westward into Hood Canal a sufficient distance to enhance the security of vessels at the Submarine Base by permitting early detection of unauthorized entry while avoiding interference with the through passage of vessels transiting Hood Canal.

EFFECTIVE DATE: January 19, 1988.

FOR FURTHER INFORMATION CONTACT:

LT. G. M. Jacobson, (206) 442-5537. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: On September 14, 1987, the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for these regulations (52 FR 34687). Interested persons were requested to submit comments and one comment was received.

Drafting Information

The drafters of this final rule are LT. G. M. Jacobson, Project Officer, Port and Vessel Safety Branch, Thirteenth Coast Guard District, and Lieutenant A. W. Bogle, Project Attorney, Thirteenth Coast Guard District Legal Office.

Discussion of Comments

Only one comment was received in response to the publication of the notice of proposed rulemaking. This comment, submitted by the U.S. Navy, requested a change to the southern origin of the security zone from: latitude 47°43'24"N, longitude 122°44'37"W to latitude 47°43'17"N, longitude 122°44'44"W. This change shifts the next point of the security zone boundary to latitude 47°43'32"N, longitude 122°44'40"W. This change is necessary to cause the southern shoreside end point of the security zone to coincide with the southern land boundary of the Submarine Base as was contemplated in the notice of proposed rulemaking. As a result of a clerical error, the wrong latitude and longitude for the two southern points of the security zone had been published in the notice of proposed rulemaking. Additionally, the Navy suggested a clarification to the description of the Northern shoreside boundary of the security zone and has provided a latitude and longitude for this point. The clarification has no effect on the boundary of the security zone. The requested revisions have been incorporated into the final rule.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. Except for the small additional area added to allow the land boundary of Submarine Base and the southern boundary of the security zone to coincide, the area affected by this security zone is already restricted to navigation by the existing restricted zone. Even in the absence of this restricted zone, those interests affected would be primarily recreational, and the loss of the use of this part of the canal should not affect their use of the canal for navigation or other purposes except in a very minor way.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulations

In consideration of the foregoing, 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. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. Section 165.1302 is added to read as follows:

§ 165.1302 Bangor Naval Submarine Base, Bangor, WA.

(a) *Location.* The following is a security zone: The waters of the Hood Canal encompassed by a line commencing on the east shore of Hood Canal at latitude 47°43'17" N., longitude 122°44'44" W., thence to latitude 47°43'32" N., longitude 122°44'40" W.; thence to latitude 47°43'50" N., longitude 122°44'40" W.; thence to latitude 47°44'24" N., longitude 122°44'22" W.; thence to latitude 47°45'47" N., longitude 122°43'22" W.; thence to latitude 47°46'23" N., longitude 122°42'42" W.; thence to latitude 47°46'23" N., longitude 122°42'20" W.; thence to latitude 47°46'20" N., longitude 122°42'12" W.; thence southerly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: Area No. 2. Waters of Hood Canal within a circle of 1,000 yards diameter centered on a point located at latitude 47°46'26" N., longitude 122°42'49" W.

(c) *Special Regulations.* (1) Section 165.33 paragraphs, (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States, other than United States Naval vessels.

(ii) Vessels that are performing work at Naval Submarine Base Bangor pursuant to a contract with the United States Navy which requires their presence in the security zone.

(iii) Any other vessels or class of vessels mutually agreed upon in advance by the Captain of the Port and Commanding Officer, Naval Submarine Base Bangor. Vessels operating in the security zone under this exemption must have previously obtained a copy of a certificate of exemption permitting their operation in the security zone from the Security Office, Naval Submarine Base Bangor. This written exemption shall state the date(s) on which it is effective and may contain any further restrictions on vessel operations within the security zone as have been previously agreed upon by the Captain of the Port and

Commanding Officer, Naval Submarine Base Bangor. The certificate of exemption shall be maintained on board the exempted vessel so long as such vessel is operating in the security zone.

(2) Any vessel authorized to enter or remain in the security zone may anchor in the security zone anchorage.

(3) Other vessels desiring access to this zone shall secure permission from the Captain of the Port through the Security Office of the Naval Submarine Base Bangor. The request shall be forwarded in a timely manner to the Captain of the Port by the appropriate Navy official.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and monitoring of this security zone by the U.S. Navy.

Dated: December 1, 1987.

T.J. Wejnar,

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

[FR Doc. 87-28986 Filed 12-16-87; 8:45 am]

BILLING CODE 491-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3300-8]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Reasonably Available Control Technology for Belding Corticelli Thread Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compounds (VOC) emissions from the Belding Corticelli Thread Company (Belding) in Putnam, Connecticut. The intended effect of this action is to approve a source-specific RACT determination made by the State in accordance with commitments made in its Ozone Attainment Plan which was approved by EPA on March 21, 1984 (49 FR 10542). This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective January 19, 1988.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Management

Division, U.S. Environmental Protection Agency, Region 1, JFK Federal Building, Room 2313, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street SW., Washington, DC 20460; and the Air Compliance Unit, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: David B. Conroy, (617) 565-3252; FTS 835-3252.

SUPPLEMENTARY INFORMATION: On March 25, 1987 (57 FR 9502), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Connecticut. The NPR proposed approval of State Order No. 8007 as a revision to the Connecticut SIP. The provisions of the Connecticut Department of Environmental Protection's (DEP's) State Order define and impose RACT on Belding as required by subsection 22a-174-20(ee), "Reasonably Available Control Technology for Large Sources," of Connecticut's Regulations for the Abatement of Air Pollution.

Under subsection 22a-174-20(ee), the Connecticut DEP determines and imposes RACT on all stationary sources with the potential to emit one hundred tons per year or more of VOC that are not already subject to RACT under Connecticut's regulations developed pursuant to the control techniques guidelines (CTG) documents. EPA approved this regulation on March 21, 1984 (49 FR 10542) as part of Connecticut's 1982 Ozone Attainment Plan. That approval was granted with the agreement that all source-specific RACT determinations made by the DEP would be submitted to EPA as source-specific SIP revisions.

EPA has reviewed State Order No. 8007 and has determined that the level of control required by this Order represents RACT for Belding. The application of RACT by Belding, which consists of installing pollution control equipment by December 31, 1987 on each of its thread coating machines that will be in operation after December 31, 1987, will reduce Belding's actual emissions from approximately 100 tons per year to less than 37 tons per year. The requirements of the State Order and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

Since submission of the formal SIP revision by the State of Connecticut, Belding has indicated to the Connecticut DEP that it may choose to shut down all of its thread coating machines by December 31, 1987 in order to achieve

compliance with the State Order. This compliance strategy is consistent with the requirements of the State Order. Therefore, the requirements of the State Order regarding the pollution control equipment will only apply to Belding if Belding chooses to operate any of its thread coating machines after December 31, 1987.

Final Action

EPA is approving Connecticut State Order No. 8007 as a revision to the Connecticut SIP. The provisions of State Order No. 8007 define and impose RACT on the Belding Corticelli Thread Company to control VOC emissions as required by subsection 22a-174-20(ee) of Connecticut's regulations.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

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 February 16, 1988. 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

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Date: December 7, 1987.

Lee M. Thomas,
Administrator.

Subpart H, Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart H—Connecticut

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.370 is amended by adding paragraph (c)(39) to read as follows:

§ 52.370 Identification of plan

* * * * *

(c) * * *

(39) Revisions to the State Implementation Plan submitted by the Connecticut Department of

Environmental Protection on August 24, 1987.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated August 24, 1987 submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 8007 for Belding Corticelli Thread Company dated July 13, 1987.

[FR Doc. 87-28505 Filed 12-16-87; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431, 435, 440, and 441

[BERC-513-F]

Medicaid Program; Relations With Other Agencies, Miscellaneous Medicaid Definitions, Third Party Liability Quality Control, and Limitations on Federal Funds for Abortions

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

ACTION: Final rule.

SUMMARY: These final regulations (1) revise Medicaid rules to reflect current policy on State payment of cost sharing amounts under Medicare Part B "buy-in" agreements; (2) revise and clarify certain Medicaid definitions; (3) remove the requirement that State plans include third party liability quality control reviews as part of the State's Medicaid quality control system; and (4) provide for limitations on the use of Federal funds for abortion.

These final regulations allow States with Medicare Part B buy-in agreements the option of paying cost sharing amounts for Medicaid beneficiaries for those Medicare services that States do not cover in their Medicaid plans. States may pay cost sharing amounts under Medicare Part B buy-in agreements on all, some or none of the Part B Medicare services that are covered in the Medicaid plan.

We are revising definitions and clarifying ambiguities in several existing Medicaid regulations. The revisions are to the definitions of private duty nursing services, inpatient and outpatient, inpatient and outpatient hospital services, and other laboratory and x-ray services.

We are removing the requirement in our quality assurance regulations that States monitor third party liability errors as a part of their quality control system.

Instead, we plan to issue regulations which encourage improved third party liability (TPL) operations by making them an integral component of State Medicaid Management Information System subject to periodic evaluation through systems performance reviews.

We are revising the Medicaid regulations to provide for limitations on the use of Federal funds for abortion, in accordance with previously enacted laws.

EFFECTIVE DATE: These regulations are effective January 19, 1988. State agencies have until 90 days after receipt of a revised State plan preprint to submit their plan amendments and required attachments. We will not hold a State to be out of compliance with the requirements of these final regulations if they submit the necessary preprint plan material by the date.

FOR FURTHER INFORMATION CONTACT:

Bill Lasowski, Relations with Other Agencies, (301) 597-1301

Thomas Hoyer, Miscellaneous Medicaid Definitions, (301) 594-9446

Lester Belsky, Third Party Liability, (301) 594-6710

Luisa Iglesias, Limitations on FFP for Abortions, (202) 245-0383.

I Background

On March 11, 1983, we published in the *Federal Register* at 48 FR 10378, a proposed rule (NPRM) to solicit comments on proposed changes to the regulations on Part B buy-in and Medicaid definitions. The revisions were intended to simplify and clarify regulations, delete requirements that are unnecessary or burdensome to States as well as to the public, and provide maximum flexibility to States while promoting patient health and safety.

The existing Medicare Part B buy-in provisions of the regulations have been cited as burdensome by States. States with buy-in agreements, under section 1843 of the Social Security Act (the Act), have been required to pay, in addition to the Part B premium, the Part B coinsurance and deductible amounts (cost sharing amounts) for all services provided to beneficiaries under Part B of Medicare, even if those same services were not covered in the Medicaid State plan. Some States objected to the payment of Medicare cost sharing amounts for services they had chosen to exclude from coverage under their Medicaid plans. In addition, the court, in *Fob James, et al. v. Richard Morris, et al.*, (U.S.D.C. M.D. Ala., N. Div., Civil Action No. 80-172-N), held that our interpretation of the policy set forth at 42 CFR 431.625 was not supported by the statute. (This case was incorrectly cited

as *James v. Harris* in the NPRM. Copies of this opinion are available from HCFA upon request.)

We also included in the March 11, 1983 NPRM, revised Medicaid definitions of inpatient outpatient, inpatient and outpatient hospital services, private duty nursing services, inpatient psychiatric services and reserved beds. Our intent in proposing these revised definitions was to remove unintentional inconsistencies and avoid misinterpretation between definitions that appear in Parts 440 and 441 of these regulations.

On August 9, 1983, we published in the *Federal Register*, at 48 FR 36151, an NPRM to solicit comments on proposed changes to the Medicaid quality control claims processing and third party liability (TPL) requirements. In those proposed regulations, we included a proposal to remove the quality control systems requirement applicable to performing TPL reviews because those reviews were time consuming for States, and produced questionable data. In addition, past reviews have shown that TPL error rates, as calculated in accordance with existing procedures, have remained consistently low.

II. Response to Public Comments

In response to our request for comments on the March 11, 1983 publication, we received a total of 29 comments from physicians and physician associations, medical equipment suppliers, client advocacy groups, State agencies, a university, a State governor, and a member of the U.S. House of Representatives. In response to our request for comments on the August 9, 1983 publication, we received a total of six comments from States on the elimination of TPL quality control requirements.

A. Comments on the Buy-in Provisions

1. *Comment:* Some commenters argued that the revisions to 42 CFR 431.625 violate the requirements of section 1902(a)(15) of the Act. This section requires that when a State pays only a portion of the Medicare copayments and deductibles for those individuals who are entitled to both Medicare and Medicaid, that portion must be related to the beneficiary's income and resources. One commenter contends that this rule directly contradicts the statutory provision because it would allow States to reduce payment of Medicare coinsurance and deductibles for dually entitled individuals without any established justification based on either the income