that a food additive petition has been filed by Betz Laboratories, Inc., proposing that the food additive regulations be amended to provide for the safe use of poly(isopropenylphosphonic acid), sodium salt in the manufacture of paper and paperboard for food-contact use.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4114) has been filed by Betz Laboratories, Inc., Somerton Rd., Trevose, PA 19047, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of poly(isopropenylphosphonic acid), sodium salt in the manufacture of paper and paperboard for food-contact use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: December 22, 1988.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89–188 Filed 1–5–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 88F–0427]

Cryovac Division of W.R. Grace & Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Cryovac Division, W.R. Grace & Co., has filed a petition proposing that the food additive regulations be amended by raising the limitation on the maximum absorbed dose of radiation that may be used to produce molecular crosslinking of ethylene-vinyl acetate copolymers.

FOR FURTHER INFORMATION CONTACT: Laura M. Tarantino, Center for Food Safety and Applied Nutrition (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that Cryovac Division of W.R. Grace & Co., P.O. Box 464, Duncan, SC 29334, has filed a petition (FAP 9M4117) proposing that § 177.1350 *Ethylene-vinyl acetate copolymers* (21 CFR 177.1350) of the food additive regulations be amended by raising the limitation, in paragraph (d)(1) and (d)(3), on the maximum absorbed dose of radiation that may be used to produce molecular crosslinking of ethylene-vinyl acetate copolymers.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: December 27, 1988.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89–184 Filed 1–5–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 88F–0404]

Mitsui Petrochemical Industries, Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Mitsui Petrochemical Industries, Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethylene/1,3-phenyleneoxyethylene isophthalate/terephthalate copolymer as a nonfood contact layer of food packaging laminates intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Gillian Robert-Baldo, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that Mitsui Petrochemical Industries, Ltd., Kasumigaseki Bldg., P.O. Box 90, 2–5 Kasumigaseki 3-chrome, Chiyoda-Ku, Tokyo 100, Japan, has filed a petition (FAP 8B4107), proposing that § 177.1395 *Laminate structures for use at temperatures between 120 °F and 250 °F* (21 CFR 177.1395) be amended to provide for the safe use of ethylene/1,3-phenyleneoxyethylene isophthalate/terephthalate copolymer as a nonfood contact layer of food packaging laminates intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: December 27, 1988.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89–185 Filed 1–5–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82F–0309]

Monsanto Chemical Corp.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of food additive petition 2B3655 proposing that the food additive regulations be amended to provide for the safe use of a mixture of partially hydrogenated terphenyl and quaterphenyl as components of adhesives for food-contact use.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 19, 1982 (47 FR 46576), FDA published a notice that it had filed a petition (FAP 2B3655) submitted by Monsanto Industrial Chemicals Co. (later named Monsanto Chemical Co.), 800 North Lindberg Blvd., St. Louis, MO 63167, proposing to amend § 175.105 *Adhesives* (21 CFR 175.105) of the food additive regulations to provide for the safe use of a mixture of partially hydrogenated terphenyl and quarterphenyl as components of adhesives for food-contact use. Monsanto Chemical Co. has now

withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: December 28, 1988.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-187 Filed 1-5-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88F-0382]

Springborn Testing Institute, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a food additive petition has been filed by Springborn Testing Institute, Inc., on behalf of Enka bv, proposing that the food additive regulations be amended to provide for the safe use of carbethoxymethly-diethyl phosphonate as a stabilizer in polyethylene terephthalate and related polyesters for food-contact use.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B4087) has been filed by Springborn Testing Institute, Inc., 20 Springborn Center, Enfield, CT 06082, on behalf of Enka bv, proposing that § 178.2010. *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of carbethoxymethyl-diethyl phosphonate as a stabilizer in polyethylene terephthalate and related polyesters for food-contact use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: December 22, 1988.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-186 Filed 1-5-89; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Hearing to Reconsider Disapproval of a Colorado State Plan Amendment

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

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on February 22, 1989, in Denver, Colorado to reconsider our decision to disapprove Colorado State Plan Amendment 88-11.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk by January 23, 1989.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, HCFA Hearing Staff, 300 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 966-4471.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Colorado State Plan Amendment 88-11 (SPA 88-11).

Section 1116 of the Social Security Act and 42 CFR Part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 42 CFR 430.76(c).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

Colorado SPA 88-11 consists of three separate attachment pages containing methods and standards for establishing payment rates for crossover situations involving institutional services, noninstitutional services and nursing home care. Crossover situations occur when a Medicaid recipient is also eligible for Medicare.

The issue in this matter is whether the methods and standards in the amendment violate sections 1902(a)(13)(A) and 1902(a)(30) of the Social Security Act and the implementing regulations at 42 CFR Part 447, Subparts B, C and D, which require that payments for services be consistent with efficiency, economy, and quality of care.

HCFA has determined that the methods and standards for inpatient and outpatient hospital claims cannot be approved because of the State's proposal to make no Medicaid payment where Medicare makes a payment. Section 3909 of the State Medicaid Manual provides that the minimum amount for which a State is responsible in crossover claims is the rate established in the State plan that is paid when a recipient is not also a Medicare beneficiary. In the case of a Medicaid recipient who is also entitled to Medicare, this amount may be satisfied, in whole or in part, by the Medicare payment. The provision in SPA 88-11 dealing with Medicaid payments on Part A inpatient and outpatient hospital service crossover claims limits reimbursement to the Medicare reimbursement. The State would have that option as long as Medicaid rates for these services, applicable to all recipients, including those who have Medicare, are established at equal to or below Medicare's reimbursement amount. The plan amendment does not provide for this and therefore, HCFA has determined that it is not consistent with 42 CFR Part 447, Subpart B. Under the amendment, reimbursement would be limited to the Medicare reimbursement even in cases where the Medicaid rate for the services exceeds the Medicare reimbursement.

HCFA has determined the methods and standards for other institutional services, non-institutional services and nursing home care cannot be approved. HCFA believes it is not clear from the language in these provisions that the Medicaid rate for services proposed for dual eligibles is at or above the established Medicaid rate for Medicaid eligibles who do not also have Medicare. The ambiguity arises from the use of the term Medicare maximum allowable "*reimbursement limit*" rather than payment rate (prior to application of deductibles and copayments). Therefore, HCFA has determined that the amendment does not establish the Medicaid rate as required by section 1902(a)(13)(A) of the Social Security Act and the implementing regulations at 42 CFR Part 447, Subparts C and D.

The notice to Colorado announcing an administrative hearing to reconsider the disapproval of its State plan amendment reads as follows:

Ms. Irene Ibarra
Executive Director
Department of Social Services
1575 Sherman Street
Denver, Colorado 80203–1714
Dear Ms. Ibarra:

I am advising you that your request for reconsideration of the decision to disapprove Colorado State plan amendment 88–11 [SPA 88–11) was received on December 2, 1988.

Colorado SPA 88–11 consists of three separate attachment pages containing methods and standards for establishing payment rates for crossover situations involving institutional services, non-institutional services and nursing home care.

The issues in this matter are whether the methods and standards in the amendment violate sections 1902(a)(13)(A) and 1902(a)(30) of the Social Security Act and the implementing regulations at 42 CFR Part 447, Subparts B, C and D which require that payments for services be consistent with efficiency, economy and quality care. In addition, HCFA will respond to your request for discovery in accordance with 42 CFR 430.86.

I am scheduling a hearing on your request to be held on February 22, 1989, at 10:00 a.m. in the 10th Floor Conference Room, Federal Office Building, 1961 Stout Street, Room 574, Denver Colorado 80294. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed in 42 CFR Part 430.

I am designating Mr. Stanley Katz as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 966–4471.

Sincerely,

William L. Roper, M.D.

Administrator

(Section 1116 of the Social Security Act (42 U.S.C. 1316); 42 CFR 430.18)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: December 30, 1988.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 89–251 Filed 1–5–89; 8:45 am]

BILLING CODE 4120–03–M

Health Resources and Services Administration

Program Announcement, Special Consideration and Funding Priorities for Advanced Nurse Education Grants

The Health Resources and Services Administration announces that applications for Advanced Nurse Education Grants will be accepted in Fiscal Year 1989, and invites comments on the proposed funding priorities set forth below:

Section 821 of the Public Health Service Act, as implemented by 42 CFR Part 57, Subpart Z, authorizes assistance to meet the costs of projects to (a) plan, develop and operate, (b) expand, or (c) maintain programs which lead to masters' and doctoral degrees and which prepare nurses to serve as nurse educators, administrators, or researchers or to serve in clinical nurse specialties determined by the Secretary of Health Human Services to require advanced education.

Eligible applicants are public and nonprofit private collegiate schools of nursing.

Approximately $4.8 million is being made available for competing awards for Fiscal Year 1989. It is estimated that approximately 27 competing projects averaging $182,172 will be supported.

Review Criteria

The review of applications will take into consideration the following criteria:

(1) The need for the proposed project including, with respect to projects to provide education in professional nursing specialties determined by the Secretary to require advanced education;

(a) The current or anticipated need for professional nurses educated in the specialty; and

(b) The relative number of programs offering advanced education in the specialty;

(2) The need for nurses in the specialty in which education is to be provided in the State in which the education is located, as compared with the need for these nurses in other States;

(3) The degree to which the applicant proposes to recruit students from States in need of nurses in the specialty in which the education is to be provided and to promote their return to these States following educaiton;

(4) The degree to which the applicant proposes to encourage graduates to practice in States in need of nurses in the specialty in which education is to be provided;

(5) The potential effectiveness of the proposed project in carrying out the educational purposes of section 821 of the Act and 42 CFR 57.2506;

(6) The capability of the applicant to carry out the proposed project;

(7) The soundness of the fiscal plan for assuring effective utilization of grant funds;

(8) The potential of the project to continue on a self-sustaining basis after the period of grant support; and

(9) The degree to which the applicant proposes to attract, retain and graduate minority and financially needy students.

In addition, the following mechanisms as defined below may be applied in determining the funding of approved applications:

1. Funding preferences—funding of a specific category or group of approved applications ahead of other categories or groups of applications, such as competing continuations ahead of new projects.

2. Funding priorities—favorable adjustment of review scores when applications meet specified objective criteria.

3. Special considerations—enhancement of priority scores by merit reviewers based on the extent to which applicants address special areas of concern.

For this program, the following Departmental special consideration and statutory funding priority will be applied and the following Departmental funding priorities are proposed:

Special Consideration

Special consideration will be given to: applicant institutions that indicate a clear financial need, and plan to sustain programs beyond the period during which Federal assistance is available. This special consideration was established and implemented in Fiscal Year 1988 and the Department is extending this special consideration for Fiscal Year 1989.

Funding Priority

Seciton 821(a) of the statute requires that the Secretary give priority to geriatric and gerontological nursing.

Proposed Funding Priorities for FY 1989

In addition, it is proposed to give a funding priority to the following:

(1) Applicant institutions that have either a 3-year average enrollment of minority students in graduate nursing education in excess of the national average or demonstrate an increase in minority enrollment in the graduate program which exceeds the program's prior 3-year average. This proposed priority was implemented as a special consideration in Fiscal Year 1988; and

(2) Applications which develop, expand or implement courses concerning ambulatory, home health care and/or inpatient case management of those with HIV infection-related diseases. Health professionals are increasingly required to provide a wide range of services to HIV-infected persons. However, widespread organized formal curricula offerings for