Compliance: Required as indicated, unless accomplished previously.

To prevent loss of airplane controllability, or engine overspeed and consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight, accomplish the following:

(a) Within 30 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statements. This action may be accomplished by inserting a copy of this AD into the AFM.

''Positioning of power levers below the flight idle stop while the airplane is in flight is prohibited. Such positioning may lead to loss of airplane control or may result in an overspeed condition and consequent loss of engine power.''

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) This amendment becomes effective on May 19, 1998.

Issued in Renton, Washington, on April 7, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–9756 Filed 4–13–98; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[UT–001–0004a; FRL–5993–4]

Approval and Promulgation of Air Quality Implementation Plans; Utah; 1993 Periodic Carbon Monoxide Emission Inventories for Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the 1993 periodic carbon monoxide (CO) emission inventories for Ogden City and Utah County (which includes Provo-Orem) that were submitted by the Governor, as a revision to the State Implementation Plan (SIP), to satisfy certain requirements of section 187(a)(5) of the Clean Air Act (CAA), as amended in 1990. This action is being taken under section 110 of the CAA.

DATES: This final rule is effective June 15, 1998 unless within May 14, 1998, relevant adverse comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Richard R. Long, Director, Air Program (8P2–A), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region 8, Air Program, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

Copies of the State documents relevant to this action are available for public inspection at the following office: Utah Department of Environmental Quality, Division of Air Quality, 150 North 1950 West, Salt Lake City, Utah 84114–4820.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program (8P2–A), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202–2466; Telephone number: (303) 312–6479.

SUPPLEMENTARY INFORMATION:

I. Background

As required by the CAA, States have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas towards attainment. The CAA required States with moderate or serious CO nonattainment areas to initially submit a base year CO inventory that represented actual emissions during the peak CO season by November 15, 1992. This base year inventory was for calendar year 1990. Moderate and serious CO nonattainment areas were also required to submit a revised emissions inventory periodically. The 1990 base year inventory was to serve as the primary inventory from which the periodic inventories were to be derived. As per CAA section 187(a)(5), the submittal of the first periodic emissions inventory, as a revision to the SIP, was required no later than September 30, 1995, and every three years thereafter until the area is redesignated to attainment. This requirement applies to Ogden City and Utah County. Further information on these inventories and their purpose can be found in the document ''Emission Inventory Requirements for Carbon Monoxide State Implementation Plans'', USEPA, Office of Air Quality Planning and Standards, EPA–450/4–91–011, March, 1991, and the September 30, 1994, guidance memorandum entitled ''1993 Periodic Emission Inventory Guidance'', signed by J. David Mobley, Chief of the Emission Inventory Branch (hereafter, the Mobley Memorandum).

The periodic inventories were to be prepared in similar detail as was done with the 1990 base year inventories and were to address actual CO emissions for the area during the peak CO season. The peak CO season should reflect the months when peak CO air quality concentrations occur. As winter is the peak CO season for Ogden City and Utah County, the 1993 periodic inventories included the period December through February. The periodic inventories are to address emissions from stationary point, area, on-road mobile, and non-road sources.

II. Analysis of the State's Submittal

A. Review of the 1993 CO Periodic Emissions Inventories (PEI) for Ogden City and Utah County

The September 30, 1994, Mobley memorandum allowed for two options for the approach to developing the 1993 PEI. If the 1993 PEI was to be used for a regulatory purpose (i.e., milestone compliance demonstration, rate of progress, maintenance plan tracking, etc.) a rigorous, comprehensive PEI was to be developed similar in detail and documentation to that which was done for the 1990 base year inventory. If, however, EPA and the State determined that the 1993 PEI would not be used to support a regulatory purpose other than to fulfill the CAA section 187(a)(5) requirement, a less rigorous approach could be appropriate. Utah chose the former option for both the Ogden City and Utah County 1993 PEIs.

EPA has reviewed the 1993 PEIs for Ogden City and Utah County. Summary tables, calculations for all identified sources in each source category, and adequate documentation were provided by the State for both of the PEIs. EPA has determined that the Ogden City and Utah County 1993 PEIs satisfy the requirements of section 187(a)(5) of the CAA.

The 1993 CO emissions from point sources, area sources, on-road mobile

sources, and non-road mobile sources for Ogden City and Utah County are summarized in the following table:

CARBON MONOXIDE SEASONAL EMISSIONS IN TONS PER DAY

Non-Attainment Area	Point Source Emissions [1]	Area Source Emissions	On-Road Mobile Emissions	Non-Road Mobile Emissions	Total Emissions
Ogden City	([2])	5.96	54.03	0.95	60.94
Utah County	89.95	26.55	292.10	4.61	413.21

[1] Major CO point sources (i.e., CO emissions equal to or greater than 100 tons per year).
[2] None identified.

All supporting calculations and documentation for these 1993 carbon monoxide periodic inventories are contained in the State's Technical Support Document (TSD) for this action.

B. Procedural Background

The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to EPA. Section 110(a)(2) of the CAA provides that each SIP revision (including emission inventories) be adopted after going through a reasonable notice and public hearing process prior to being submitted by a State to EPA.[1]. The September 30, 1994, Mobley memorandum, however, allowed an alternative for the 1993 PEI submittals. Under the section of the Mobley memorandum entitled ''Review and Approval'' EPA stated:

''The review and approval of the 1993 periodic emission inventory is the responsibility of the Regional Office. In accordance with the memorandum of September 29, 1992, on 'Public Hearing Requirements for 1990 Base-Year Emissions Inventories for Ozone and Carbon Monoxide Nonattainment Areas', rulemaking on the 1993 periodic emission inventory can be deferred until it has regulatory significance. In any case, a submittal of a 1993 periodic emission inventory is required to avoid a 'Finding of Failure to Submit' ''.

In view of the guidance provided in the Mobley memorandum, the Utah State Air Director, Russell Roberts, decided to submit the Ogden City and Utah County 1993 PEIs through two letters dated October 6, 1995. (see State correspondence referenced as DAQS–0217–95 and DAQS–0218–95, respectively). This action by the State was sufficient to avoid a ''Finding of Failure to Submit'' letter by EPA. However, EPA was precluded from taking rulemaking action on the 1993 PEIs as they had not gone through a notice and public hearing process, had not been adopted by the Utah Air Quality Board (UAQB), and were not submitted as a revision to the SIP by the Governor.

On December 9, 1996, the Governor submitted a request for redesignation to attainment and a maintenance plan for Ogden City. At this point in time the Ogden City 1993 PEI had reached ''regulatory significance'' because the area must have a fully approved SIP to be redesignated (see CAA section 107(d)(3)(E)(ii)). In a letter dated September 17, 1997, from Richard R. Long, Director, Air Program, Region 8, to Ursula Trueman, Director, Utah Division of Air Quality, EPA stated that in order to fulfill the requirements of sections 187(a)(5) and 107(d)(3)(E)(ii) of the CAA, the Ogden City 1993 PEI would have to go through the State's notice and public hearing process, be approved by the UAQB, and be submitted by the Governor as a revision to the SIP. Following a reasonable notice, the State held a public hearing for both the Ogden City and Utah County 1993 PEIs on October 28, 1997. The inventories were adopted by the UAQB and were formally submitted by the Governor on November 12, 1997. EPA determined the submittal was complete on February 5, 1998.

III. Final Rulemaking Action

EPA is approving the carbon monoxide 1993 periodic emission inventories for Ogden City and Utah County as fulfilling the requirements of section 187(a)(5) of the CAA. These inventories were submitted by the Governor with a letter dated November 12, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the Proposed Rules Section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This action will be effective June 15, 1998 without further notice unless the Agency receives relevant adverse comments by May 14, 1998.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on the proposed rule. Any parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 15, 1998 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et. seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under Section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the

[1] Memorandum from John Calcagni, Director, Air Quality Management Division, and William G. Laxton, Director, Technical Support Division, to Regional Air Division Directors, Region I–X, ''Public Hearing Requirements for 1990 Base-Year Emission Inventories for Ozone and Carbon Monoxide Nonattainment Areas,'' September 29, 1992.

nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rules that include a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides 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 rule 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**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 15, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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) of the CAA).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 26, 1998.

Jack McGraw,

Acting Regional Administrator, Region VIII.

40 CFR part 52 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 TT—Utah

2. Section 52.2350 is amended by designating the existing text as paragraph (a) and by adding paragraph (b) to read as follows:

§ 52.2350 Emission inventories.

* * * * *

(b) On November 12, 1997, the Governor of Utah submitted the 1993 Carbon Monoxide Periodic Emission Inventories for Ogden City and Utah County as revisions to the Utah State Implementation Plan. These inventories address carbon monoxide emissions from stationary point, area, non-road, and on-road mobile sources.

[FR Doc. 98–9678 Filed 4–13–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 422

[HCFA–1027–IFC]

RIN 0938–AI60

Medicare Program; Definition of Provider-Sponsored Organization and Related Requirements

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

ACTION: Interim final rule with comment period.

SUMMARY: The Balanced Budget Act of 1997 establishes a new Medicare+Choice program that significantly expands the health care options available to Medicare beneficiaries. Under this program, eligible individuals may elect to receive Medicare benefits through enrollment in one of an array of private health plans that contract with HCFA. Among the new options available to Medicare beneficiaries is enrollment in a provider-sponsored organization (PSO). This interim final rule with comment period defines the term ''provider-sponsored organization'' for purposes of the Medicare program and establishes requirements related to meeting this definition.

We believe that setting forth the definition of a PSO and the related requirements will facilitate the submission of applications to participate in the Medicare program as a PSO.

DATES: *Effective date:* This interim final rule is effective May 14, 1998. *Comment period:* Comments will be considered if received at the appropriate address, as provided below, no later than June 15, 1998.

ADDRESSES: Mail written comments (1 original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–1027–IFC, P.O. Box 26688, Baltimore, MD 21207.

If you prefer, you may deliver your written comments (1 original and 3 copies) to one of the following addresses: Room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–09–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Comments may also be submitted electronically to the following e-mail address: hcfa1027ifc@hcfa.gov. E-mail comments must include the full name