

contained in this section were moved to 401 KAR 51:001, "Definitions for 401 KAR Chapter 51." The rule does not incorporate the portions of the Federal rules that were recently vacated by the DC Circuit Court, including the clean unit provisions, the pollution control projects exclusion, and the equipment replacement provision, which was promulgated shortly after the 2002 NSR Reform Rules.

The revisions included in Kentucky's NNSR program are substantively the same as the 2002 NSR Reform Rules. The Kentucky Rules have been formatted to conform to Kentucky rule drafting standards (KRS Chapter 13A), but in substantive content the rules are the same as the Federal rules. As part of its review of the Kentucky submittal, EPA performed a line-by-line review of the proposed revisions and has determined that they are consistent with the program requirements for the preparation, adoption and submittal of implementation plans for New Source Review, set forth at 40 CFR 51.165.

#### IV. What Action Is EPA Proposing To Take?

EPA is proposing to approve revisions to the Kentucky SIP (Kentucky regulations, 401 KAR 51:01, 401 KAR 51:017, and 401 KAR 51:052) submitted by the Commonwealth of Kentucky on September 2, 2004, and amended on August 23, 2005. EPA proposed to take no action on the following provisions of the Kentucky regulations, which include portions of the 2002 NSR Reform Rules that were vacated by the D.C. Circuit Court: Sections 20, 21, and 22 of 401 KAR 51:017, Sections 11, 12, and 13 of 401 KAR 51:052, and definitions (38) and (188) in Section 1 of 401 KAR 51:001.

#### VI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5

U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead,

Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: February 3, 2006.

**J.I. Palmer Jr.,**

*Regional Administrator, Region 4.*

[FR Doc. 06-1318 Filed 2-9-06; 8:45 am]

**BILLING CODE 6560-50-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 413

[CMS-1126-RCN]

RIN 0938-AK02

#### Medicare Program; Provider Bad Debt Payment; Extension of Timeline for Publication of Final Rule

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Extension of timeline.

**SUMMARY:** Section 1871(a)(3)(A) of the Social Security Act (the Act) requires us to publish a Medicare final rule no later than 3 years after the publication date of the proposed rule. This notice announces an extension of the timeline for publication of a Medicare final rule in accordance with section 1871(a)(3)(B) of the Act, which allows us to extend the timeline for publication of the "Medicare Program; Provider Bad Debt Payment" final rule under exceptional circumstances.

**DATES:** *Effective Date:* This notice is effective on February 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** Jill Keplinger, (410) 786-4550.

**SUPPLEMENTARY INFORMATION:** On February 10, 2003 (68 FR 6682), we published a proposed rule that would revise existing regulations governing reimbursement for bad debts for all providers or entities, other than hospitals, currently eligible for bad debt reimbursement under the Medicare program. These proposed revisions were intended to provide for a consistent bad debt reimbursement policy for all providers currently eligible to receive payments from Medicare for bad debt. The proposed revisions also would remove a cap on End Stage Renal Disease (ESRD) bad debt reimbursement, which limits payment of allowable bad debts to the facility's unrecovered costs. In addition, the

proposed rule would clarify that bad debts are not allowable for entities paid under a reasonable-charge or fee schedule methodology.

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 Social Security Act (the Act) requires us generally to publish a Medicare final rule no later than 3 years after the publication date of the proposed rule. To meet this 3-year timeframe, the final rule at issue here would have to be published by February 10, 2006.

Section 1871(a)(3)(B) also provides, however, that under "exceptional circumstances" the Secretary may extend the initial targeted publication date of a final regulation, if the Secretary provides public notice of this extension, including a brief explanation of the justification for the variation, no later than the regulation's previously established proposed publication date.

This notice extends the timeline based on the following exceptional circumstances, which we believe justify such an extension in this case. On February 1, 2006, the Congress completed action on final legislation (S. 1932) that affects the provisions that would be modified under the proposed rule at issue here. Section 5004 of this bill, also known as the Deficit Reduction Act (DRA), generally provides for a 30 percent reduction in bad debt reimbursement to Skilled Nursing Facilities (SNFs), but only with respect to debt attributable to non-dual eligibles. Bad debt payment for dual eligibles would remain at 100 percent. By contrast, the proposed rule applied the 30 percent reduction to all providers other than hospitals, and had no exception for debt attributable to dual-eligibles.

If we were to finalize the SNF bad debt provisions of the proposed rule at issue here before the enactment of section 5004 of the DRA, these provisions could be superseded by contrary legislation very shortly after publication. This would require a new round of rulemaking to address the impact of the new legislation. By extending the deadline for publication of a final rule, we would hope to avoid needless and duplicative rulemaking, and confusion of the public, by responding to comments on this proposed rule, and addressing the effects of section 5004 of the DRA on the proposed rule, in one rulemaking document.

In order to allow time for the President to act on the DRA, and for us to fully assess the impact of this

legislation on the provisions in the proposed rule, we are extending the timeline for this rulemaking for up to one year, and intend to publish the final rule no later than February 10, 2007. As required under section 1871(a)(3)(D), we will include a discussion of this extension in a report to Congress.

**Authority:** Section 1871 of the Social Security Act (42 U.S.C. 1395hh). (Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 3, 2006.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. E6-1821 Filed 2-9-06; 8:45 am]

**BILLING CODE 4120-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[WT Docket No. 05-211; FCC 06-8]

#### Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this *Further Notice of Proposed Rule Making* the Commission considers whether it should modify its general competitive bidding rules governing benefits reserved for designated entities (i.e., small businesses, rural telephone companies and businesses owned by women and minorities). The Commission has reached a tentative conclusion that it should modify its part 1 rules to restrict the award of designated entity benefits to an otherwise qualified designated entity where it has a material relationship with a large in-region incumbent wireless service provider," and the Commission seeks comment on how it should define the elements of such a restriction. The Commission also seeks comment on whether it should restrict the award of designated entity benefits where an otherwise qualified designated entity has a "material relationship" with a large entity that has a significant interest in communications services.

**DATES:** Comments due February 24, 2006 and Reply Comments due March 3, 2006. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and

other interested parties on or before April 11, 2006.

**ADDRESSES:** You may submit comments, identified by WT Docket No. 05-211; FCC 06-8 by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to [PRA@fcc.gov](mailto:PRA@fcc.gov), and to Kristy L. LaLonde, OMB Desk Officer, Room 10234 NEOB, 725 17th Street, NW., Washington, DC 20503, via the Internet to [Kristy L. LaLonde@omb.eop.gov](mailto:Kristy.L.LaLonde@omb.eop.gov), or via fax at 202-395-5167.

For detailed instructions for submitting comments and additional information on the rule making process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Brian Carter or Gary Michaels, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, (202) 418-0660. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Judith B. Herman at 202-418-0214, or via the Internet at [PRA@fcc.gov](mailto:PRA@fcc.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. *All filings related to this Further Notice of Proposed Rule Making should refer to WT Docket No. 05-211.* Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998). The public may view a full copy of this document at