

*ICR Status:* This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* The U.S. Environmental Protection Agency is conducting a census of facilities that manufacture chlorine and/or certain chlorinated hydrocarbons (CCH) as part of its effort to review the effluent limitations guidelines and standards for these operations. EPA is considering revision of the Organic Chemicals, Plastics and Synthetic Fibers Point Source Category regulations at 40 CFR Part 414 for facilities that manufacture ethylene dichloride, vinyl chloride monomer, polyvinyl chloride and other chlorinated hydrocarbons. EPA is also considering revision of the Inorganic Chemicals Point Source Category regulations at 40 CFR Part 415 for facilities that manufacture chlorine as well as chlorine manufacturers not regulated under 40 CFR Part 415. The questionnaire seeks information on (1) Technical data, including general facility information, manufacturing process information, wastewater treatment and characterization information, and information on sampling data; and (2) financial and economic data, including ownership information, facility/company information, and corporate parent financial information. The technical data will be used to determine the industry production rates, water use for processes, rates of wastewater generation, pollution prevention, and the practices of wastewater management, treatment, and disposal. The financial and economic data will be

used to characterize the economic status of the industry and to estimate the possible economic impacts of wastewater regulations. This questionnaire will be sent to all identified facilities engaged in CCH production. Completion of this one-time questionnaire will be mandatory pursuant to Section 308 of the Clean Water Act.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 435 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Facilities that manufacture chlorine and/or certain chlorinated hydrocarbons, including polyvinyl chloride.

*Estimated Number of Respondents:* 65.

*Frequency of Response:* One-time only.

*Estimated Total Annual Hour Burden:* 28,300.

*Estimated Total Annual Cost:* \$1,082,000 includes \$0 annualized capital expenditure and \$3,810 Respondent O&M costs.

Dated: January 12, 2007.

**Oscar Morales,**  
*Director, Collection Strategies Division.*  
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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8273-3]

**Clean Water Act Section 303(d): Final Agency Action on 10 Arkansas Total Maximum Daily Loads (TMDLs)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the final agency action on 10 TMDLs prepared by EPA Region 6 for waters listed in the State of Arkansas, under section 303(d) of the Clean Water Act (CWA). These TMDLs were completed in response to the lawsuit styled *Sierra Club, et al. v. Clifford, et al.*, No. LR-C-99-114. Documents from the administrative record files for the final 10 TMDLs, including TMDL calculations may be viewed at <http://www.epa.gov/region6/6wq/npdes/tmdl/index.htm>.

**ADDRESSES:** The administrative record files for these 10 TMDLs may be obtained by writing or calling Ms. Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733. Please contact Ms. Smith to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Diane Smith at (214) 665-2145.

**SUPPLEMENTARY INFORMATION:** In 1999, five Arkansas environmental groups, the Sierra Club, Federation of Fly Fishers, Crooked Creek Coalition, Arkansas Fly Fishers, and Save our Streams (plaintiffs), filed a lawsuit in Federal Court against the EPA, styled *Sierra Club, et al. v. Clifford, et al.*, No. LR-C-99-114. Among other claims, plaintiffs alleged that EPA failed to establish Arkansas TMDLs in a timely manner.

**EPA Takes Final Agency Action on 10 TMDLs**

By this notice EPA is taking final agency action on the following 10 TMDLs for waters located within the state of Arkansas:

Segment-reach	Waterbody name	Pollutant
08020203-625 .....	Bear Creek Lake .....	Nutrient.
08020203 .....	Horseshoe Lake .....	Nutrient.
08020204 .....	Mallard Lake .....	Nutrient.
08020302 .....	Frierson Lake .....	Turbidity.
08020303 .....	Old Town Lake .....	Nutrient.
08040203-904 .....	Big Creek .....	CBOD and Ammonia.
08050002 .....	Grand Lake .....	Nutrient.
11110204 .....	Spring Lake .....	Mercury.

Segment-reach	Waterbody name	Pollutant
11140201 .....	First Old River Lake .....	Nutrient.

EPA requested the public to provide EPA with any significant data or information that might impact the 10 TMDLs at **Federal Register** Notice: Volume 71, Number 239, page 74907 (December 13, 2006). No comments were received.

Dated: January 16, 2007.

**William K. Honker,**

*Deputy Director, Water Quality Protection Division, EPA Region 6.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Proposed Implementation of Section 6053(b) of the Deficit Reduction Act for Fiscal Year 2008 FMAP

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice with comment period.

**SUMMARY:** This notice with comment period describes the procedure for implementing Section 6053(b) of the Deficit Reduction Act of 2005, Public Law 109-171 for fiscal year 2008. Section 6053(b) of the Deficit Reduction Act provides for a modification of the Federal Medical Assistance Percentages for any state which has a significant number of evacuees from Hurricane Katrina.

**DATES:** *Comment Date:* To be assured consideration, comment must be received at the address provided below, no later than 5 p.m. on February 26, 2007.

**ADDRESSES:** Because of staff and resource limitations, we can only accept comments by regular mail. You may mail written comments (one original and one copy) to the following address only: Department of Health and Human Services, Room 447D, Attention: FMAP Proposed Rule, 200 Independence Ave., SW., Washington, DC 20201.

*Submitting Comments:* We welcome comments from the public on all issues set forth in this rule with comment period to assist us in fully considering issues and developing policies. Please provide a reference to the section on which you choose to comment.

#### SUPPLEMENTARY INFORMATION:

#### A. Background: Federal Medical Assistance Percentages

Federal Medical Assistance Percentages are used to determine the amount of Federal matching for state expenditures for assistance payments for certain social services such as Temporary Assistance for Needy Families (TANF) Contingency Funds, matching funds for the Child Care and Development Fund, Title IV-E Foster Care Maintenance payments, Adoption Assistance payments, and state medical and medical insurance expenditures for Medicaid and the State Children's Health Insurance Program (CHIP).

Sections 1905(b) and 1101(a)(8)(B) of the Social Security Act require the Secretary of Health and Human Services to publish the Federal Medical Assistance Percentages each year. The Secretary is to calculate the percentages, using formulas in sections 1905(b) and 1101(a)(8)(B), from the Department of Commerce's statistics of average income per person in each state and for the Nation as a whole. The percentages are within the upper and lower limits given in section 1905(b) of the Act. The percentages to be applied to the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are specified in statute, and thus are not based on the statutory formula that determines the percentages for the 50 states. The "Federal Medical Assistance Percentages" are for Medicaid.

Section 1905(b) of the Social Security Act specifies the formula for calculating Federal Medical Assistance Percentages as follows:

"Federal medical assistance percentage" for any state shall be 100 per centum less the state percentage; and the state percentage shall be that percentage which bears the same ratio to 45 per centum as the square of the per capita income of such state bears to the square of the per capita income of the continental United States (including Alaska) and Hawaii; except that (1) the Federal medical assistance percentage shall in no case be less than 50 per centum or more than 83 per centum, (2) the Federal medical assistance percentage for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be 50 per centum.

Section 4725 of the Balanced Budget Act of 1997 amended section 1905(b) to provide that the Federal Medical

Assistance Percentage for the District of Columbia for purposes of Title XIX and for the purposes of calculating the Enhanced Federal Medical Assistance Percentage under Title XXI shall be 70 percent. For the District of Columbia, we note under the table of Federal Medical Assistance Percentages the rate that applies in certain other programs calculated using the formula otherwise applicable, and the rate that applies in certain other programs pursuant to section 1118 of the Social Security Act. Section 2105(b) of the Social Security Act specifies the formula for calculating the Enhanced Federal Medical Assistance Percentages as follows:

The "enhanced FMAP," for a state for a fiscal year, is equal to the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)) for the state increased by a number of percentage points equal to 30 percent of the number of percentage points by which (1) such Federal medical assistance percentage for the state, is less than (2) 100 percent; but in no case shall the enhanced FMAP for a state exceed 85 percent.

The "Enhanced Federal Medical Assistance Percentages" are for use in the State Children's Health Insurance Program under Title XXI, and in the Medicaid program for certain children for expenditures for medical assistance described in sections 1905(u)(2) and 1905(u)(3) of the Social Security Act.

On November 30, 2006, at 71 FR 69209, we published the FMAP and Enhanced FMAP rates for each state for October 1, 2007 through September 30, 2008 (fiscal year 2008). This notice describes the procedure we would use to modify the fiscal year 2008 FMAP rates to comply with the requirements of section 6053(b) of the DRA, which we discuss more fully below.

#### B. Section 6053(b) of the Deficit Reduction Act

Section 6053(b) of the Deficit Reduction Act (DRA) of 2005 requires that calculations used in computing the FMAPs disregard evacuees and any income attributable to them who were evacuated to and live in a state, other than their state of residence, as of October 1, 2005 as a result of Hurricane Katrina. The DRA defines "evacuee" as "an affected individual who has been displaced to another state" (Sec 6201(b)(3)). This provision applies to any state that the Secretary of HHS