

provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### *Congressional Review Act*

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

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 May 22, 2007. 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).)

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: February 28, 2007.

**Steve Rothblatt,**

*Acting Regional Administrator, Region 5.*

■ For the reasons stated in the preamble, part 52, chapter I, of title 40 of the Code of Federal Regulations 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 O—Illinois**

■ 2. Section 52.720 is amended by adding paragraph (c)(176) to read as follows:

#### **§ 52.720 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

(176) On June 14, 2004, Illinois submitted revisions to volatile organic compound rules for Formel Industries, Incorporated in Cook County, Illinois. The revisions consist of withdrawing an adjusted standard to the Flexographic Printing Rule. Formel Industries has installed a control device and is complying with the Flexographic Printing Rule.

#### *(i) Incorporation by reference.*

An April 15, 2004, Supplemental Opinion and Order of the Illinois Pollution Control Board AS 00–13, terminating Formel's previously issued (January 18, 2001) adjusted standard from the Flexographic Printing Rule, effective April 15, 2004.

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**BILLING CODE 6560–50–P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Centers for Medicare & Medicaid Services**

#### **42 CFR Parts 411 and 424**

[CMS–1810–RCN]

RIN 0938–AK67

#### **Medicare Program; Physicians' Referrals to Health Care Entities With Which They Have Financial Relations (Phase II); Continuation of Effectiveness and Extension of Timeline for Publication of Final Rule**

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

**ACTION:** Interim final rule; continuation of effectiveness and extension of timeline for publication of final rule.

**SUMMARY:** This notice announces the continuation of effectiveness of a Medicare interim final rule and the extension of the timeline for publication of the final rule. This notice is issued in accordance with section 1871(a)(3)(C) of the Social Security Act (the Act), which allows an interim final rule to remain in effect after the expiration of the timeline specified in section 1871(a)(3)(B) of the Act if the Secretary publishes a notice of continuation prior to the expiration of the timeline.

**DATES:** *Effective Date:* This notice is effective on March 23, 2007.

**FOR FURTHER INFORMATION CONTACT:** Lisa Ohrin, (410) 786–4565.

**SUPPLEMENTARY INFORMATION:**

#### **I. Background**

Section 1871(a)(3)(A) of the Social Security Act (Act) requires the

Secretary, in consultation with the Director of the Office of Management and Budget (OMB), to establish a regular timeline for the publication of a final rule based on the previous publication of a proposed rule or an interim final rule. In accordance with section 1871(a)(3)(B) of the Act, such regular timeline may vary among different final rules, based on the complexity of the rule, the number and scope of the comments received, and other relevant factors. The timeline for publishing the final regulation; however, cannot exceed 3 years from the date of publication of the proposed or interim final rule, unless there are exceptional circumstances. After consultation with the Director of OMB, we published a notice in the **Federal Register** on December 30, 2004 (69 FR 78442) establishing a general 3-year timeline for publishing final rules after the publication of a proposed or interim final rule.

Section 1871(a)(3)(C) of the Act states that a Medicare interim final rule shall not continue in effect if the final rule is not published before the expiration of the regular timeline, unless the Secretary publishes at the end of the regular timeline a notice of continuation that includes an explanation of why the regular timeline was not met. Upon publication of such a notice, the timeline for publishing the final rule is extended for 1 year.

#### **II. Notice of Continuation**

On March 26, 2004, we published an interim final rule with comment period (the "Phase II" rule), which set forth the physician self-referral prohibition and applicable definitions, interpreted various statutory exceptions to the prohibition, and created additional regulatory exceptions for arrangements that do not pose a risk of program or patient abuse (69 FR 16054). Phase II also responded to comments received from an earlier interim final rule (the "Phase I" rule) regarding the physician self-referral prohibition, which was published on January 4, 2001 (66 FR 856). Under the previously established regular timeline for the publication of a final rule, we must respond to public comments on the Phase II rule in a final rule (the "Phase III" rule) published no later than March 26, 2007.

This notice announces an extension of the timeline for publication of the Phase III physician self-referral final rule and the continuation of effectiveness of the Phase II interim final rule. We are not able to meet the 3-year timeline for publication because we received extensive public comments requesting clarification of and revisions to the

physician self-referral regulations. We have given the numerous and varied public comments exhaustive review, which required a significant amount of time and resources. Further, because the physician self-referral rules are jointly enforced by CMS, the Office of Inspector General, and the Department of Justice, substantial interagency coordination has been necessary.

This notice extends the timeline for publication of the Phase III final rule through March 26, 2008. In accordance with section 1871(a)(3)(C) of the Act, the March 26, 2004 interim final rule shall remain in effect through March 26, 2008 (unless Phase III is published and becomes effective before March 26, 2008).

**Authority:** Section 1871 of the Social Security Act (42 U.S.C. 1395hh).

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 19, 2007.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. 07–1434 Filed 3–20–07; 4:00 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 070213032–7032–01; I.D. 032007A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for pollock in Statistical Area 610 of the Gulf of Alaska (GOA) for 48 hours. This action is necessary to fully use the B season allowance of the 2007 total allowable catch (TAC) of pollock specified for Statistical Area 610 of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 21, 2007, through 1200 hrs, A.l.t., March 23, 2007.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., April 4, 2007.

**ADDRESSES:** Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Comments may be submitted by:

- Mail to: P.O. Box 21668, Juneau, AK 99802;

- Hand delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, Alaska;

- FAX to 907–586–7557;

- E-mail to [inseason-fakr@noaa.gov](mailto:inseason-fakr@noaa.gov) and include in the subject line of the e-mail comment and in the body of the email the document identifier:

g61plk2ro2.fo.wpd (E-mail comments, with or without attachments, are limited to 5 megabytes); or

- Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions at that site for submitting comments.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Hogan, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS

manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS closed the directed fishery for pollock in Statistical Area 610 of the GOA under § 679.20(d)(1)(iii) on March 13, 2007 (72 FR 11288, March 13, 2007), and reopened the fishery on March 16, 2007 and closed it on March 18, 2007 and will publish in the **Federal Register** March 21, 2007.

NMFS has determined that approximately 2,000 mt of pollock remain in the directed fishing allowance. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the B season allowance of the 2007 TAC of pollock in Statistical Area 610, NMFS is terminating the previous closure and is

reopening directed fishing for pollock in Statistical Area 610 of the GOA. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be reached after 48 hours. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the GOA, effective 1200 hrs, A.l.t., March 23, 2007.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of pollock in Statistical Area 610 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 19, 2007.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the fishery for pollock in Statistical Area 610 of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until April 4, 2007.

This action is required by § 679.25 and § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 20, 2007.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 07–1438 Filed 3–20–07; 2:12 pm]

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