

penalty of perjury, that the estate has been fully administered, that the trustee has neither received nor disbursed any property or money on account of the estate except exempt property to the debtor, that there is no property available for distribution over and above that exempted by law, and the trustee's request to be discharged as trustee. The NDR will also include information concerning the length of time the case was pending, assets abandoned, assets exempted, claims asserted, claims scheduled, and claims discharged without payment.

After the final distribution to creditors in a chapter 12 or 13 case in which a standing trustee has been appointed, the trustee will file with the United States Bankruptcy Court UST Form 102-12-FR-S for chapter 12 cases or UST Form 102-13-FR-S for chapter 13 cases, which are the trustee's final report and account. In these forms, a trustee includes a certification that the estate has been fully administered if not converted to another chapter and contains the trustee's request to be discharged as trustee. These forms also include the information required for the TDR as well as the date of confirmation of the chapter 12 or 13 plan, date of each modification, and defaults by the debtor in performance under the plan, if applicable. A standing trustee is appointed by the United States Trustee under 28 U.S.C. 586 and may administer more than one chapter 13 or chapter 12 case, as opposed to a case trustee that is appointed under 11 U.S.C. 1302 or 11 U.S.C. 1202 and may administer only the one case to which the trustee is appointed.

After the final distribution to creditors in a chapter 12 or 13 case in which a case trustee has been appointed, the trustee will file with the United States Bankruptcy Court either UST Form 102-12-FR-C for chapter 12 cases, or UST Form 102-13-FR-C for chapter 13 cases, which are the trustee's final report and account. In these forms, a trustee includes a certification, submitted under penalty of perjury, that the estate has been fully administered if not converted to another chapter and the trustee's request to be discharged from further duties as trustee. In addition, the forms contain the same information as that required for chapters 12 and 13 standing trustees.

[FR Doc. E8-1450 Filed 2-1-08; 8:45 am]

BILLING CODE 4410-40-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52

[EPA-R05-OAR-2007-1085; FRL-8519-2]

#### Approval and Promulgation of State Implementation Plans; Ohio: Proposed Approval of Revised Oxides of Nitrogen (NO<sub>x</sub>), Phase II, and Revised NO<sub>x</sub> Trading Rule

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing approval of a revision to the Ohio State Implementation Plan (SIP) submitted by letter on June 16, 2005. This revision addresses the requirements of EPA's NO<sub>x</sub> SIP Call which requires further reductions in NO<sub>x</sub> emissions based on cost-effective control measures for large internal combustion engines. The revision also addresses some revisions to the State's NO<sub>x</sub> SIP Call trading program. EPA is proposing to determine that the Ohio SIP revision satisfies the requirements for Phase II of the NO<sub>x</sub> SIP Call and the NO<sub>x</sub> SIP Call trading program because, when implemented, these will meet Ohio's emission reduction requirements under Phase II of the NO<sub>x</sub> SIP Call.

**DATES:** Comments must be received on or before March 5, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2007-1085, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *E-mail*: [mooney.john@epa.gov](mailto:mooney.john@epa.gov).
3. *Fax*: (312) 886-5824.
4. *Mail*: "EPA-R05-OAR-2007-1085", John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery or Courier*: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6084, [paskevicz.john@epa.gov](mailto:paskevicz.john@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a non-controversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in

the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, EPA will withdraw the direct final rule and will address all public comments received in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives meaningful adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: January 11, 2008.

**Gary Gulezian,**

*Acting Regional Administrator, Region 5.*

[FR Doc. E8-1799 Filed 2-1-08; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Parts 400, 405, 410, 412, 413, 414, 488, and 494

[CMS-3818-RCN]

RIN 0938-AG82

#### Medicare and Medicaid Programs; Conditions for Coverage for End Stage Renal Disease Facilities—Extension of Timeline for Publication of Final Rule

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

**ACTION:** Extension of timeline for publication of final rule.

**SUMMARY:** This notice announces an extension of the timeline for publication of the "Medicare and Medicaid Programs; Conditions for Coverage for End Stage Renal Disease Facilities" final rule. This notice is issued in accordance with section 1871(a)(3)(B) of the Social Security Act (the Act), which requires that a notice be published in the **Federal Register** if a final regulation, due to exceptional circumstances, will take longer to publish than 3 years after the publication date of the proposed rule. In this case, the complexity of the rule and scope of public comments warrants the extension of the timeline for publication.

**DATES:** As of February 4, 2008, CMMS announces a delay in the timeline for publication of final rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Lynn Riley, (410) 786-1286. Lauren Oviatt, (410) 786-4683.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On February 4, 2005, we published in the **Federal Register** a proposed rule (70 FR 6184), that would establish new certification requirements for Medicare coverage of dialysis facilities. The proposed revisions would reflect advances in dialysis technology and standard care practices that have developed since the requirements were last revised in their entirety in 1976.

**II. Notice of Continuation**

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 Act requires the Secretary to publish Medicare final regulations no later than 3 years after the publication date of the proposed rule. To meet this 3-year timeframe, the final rule would have to be published by February 4, 2008.

Section 1871(a)(3)(B) also provides that under “exceptional circumstances,” the Secretary may extend the initial

targeted publication date of a final regulation. The Secretary is required, prior to the regulation’s previously established proposed publication date, to provide public notice of this extension in the **Federal Register**, including a brief explanation of the justification for the variation.

This notice extends the timeline based on the following exceptional circumstances, which we believe, justify such an extension. We are not able to meet the 3-year timeline for publication of the final rule due to the complexity of the rule and the large number of public comments we received.

We received a large volume of timely comments on the proposed rule. The commenters presented extremely complex and detailed policy and legal issues, which require extensive consultation, review, and analysis. Also, the development of the final rule requires collaboration among other government agencies, including the Centers for Disease Control and Prevention and other agencies under the Department of Health and Human Services. We note that extensive coordination has been needed to ensure that these provisions follow guidelines and rules of all affected administrative agencies.

In addition, this final rule is extremely comprehensive because it

updates and revises policies regarding infection control, water and dialysate quality, hemodialyzer re-use, self dialysis in the home, and clinical management of the dialysis patients’ anemia management. Therefore, the incorporation of these updates has required extensive time, outreach, and collaboration to ensure that the final rule’s provisions are consistent with technological and scientific advancement in the provision of dialysis services.

We believe that an extension of the publication timeline is necessary and appropriate to ensure that we are able to address all of the comments and issues raised in response to the February 4, 2005 proposed rule. Therefore, this notice extends the timeline for publication of the final rule until February 4, 2009.

**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: January 31, 2008.

**Ann Agnew,**

*Executive Secretary to the Department.*

[FR Doc. E8-2051 Filed 2-1-08; 8:45 am]

**BILLING CODE 4120-01-P**