

Indiana, with a request that the Indiana State Implementation Plan be revised to include these amended carbon monoxide and particulate matter rules.

(i) Incorporation by reference.

(A) *Indiana rule*: 326 IAC 4-2-1 and 326 IAC 4-2-2 (particulate matter), published at *Indiana Register*, January 1, 2003, 26 IR 1070, with an effective date of December 15, 2002.

(B) *Indiana rule*: 326 IAC 9-1-1 and 326 IAC 9-1-2 (carbon monoxide), published at *Indiana Register*, January 1, 2003, 26 IR 1072, with an effective date of December 15, 2002.

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Parts 403, 412, 413, 418, 460, 480, 482, 483, 485, and 489**

[CMS-1428-N]

RIN 0938-AM80

**Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2005 Rates; Extension for the Hospital Applications To Receive Increases in Full Time Equivalent Resident Caps for Graduate Medical Education Payment**

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

**ACTION:** Extension of application deadline.

**SUMMARY:** This document extends the deadline for hospitals to submit applications to CMS in order to receive increases in full-time equivalent (FTE) resident caps for graduate medical education (GME) payment purposes under section 1886(h)(7)(B) of the Social Security Act, added by section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003.

**DATES:** The deadline for receipt of applications to receive increases in FTE resident caps for GME payments is extended to December 15, 2004.

**FOR FURTHER INFORMATION CONTACT:** Heath Westcott, (410) 786-4515.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

We published a final rule in the *Federal Register* (69 FR 48916) that revised the Medicare hospital inpatient prospective payments systems for

operating and capital related costs to implement a number of changes made by the MMA.

Section 422 of the MMA (Pub. L. 108-173) provides for a reduction in the statutory resident caps under Medicare for certain hospitals and authorizes a "redistribution" of those FTE resident slots to other hospitals. Qualifying hospitals that submit a timely application may receive up to 25 additional FTE resident cap slots for direct GME and indirect medical education purposes.

**II. Provisions of the Notice**

In the Fiscal Year (FY) 2005 final rule (69 FR 49141 and 69 FR 49169), we stated that any hospital that wishes to receive an increase in its FTE resident cap(s) under section 1886(h)(7)(B) of the Social Security Act (the Act) must submit an application to the CMS Central Office and to the CMS Regional Office for the region in which the applicant hospital is located, and that the application must be received on or before December 1, 2004. In order to give hospitals more time to complete these applications, we are extending this deadline to December 15, 2004.

Additional information regarding reductions and increases in hospitals' FTE resident caps for purposes of direct and indirect GME payments under section 1886(h)(7) of the Act can be found in the August 11, 2004 *Federal Register* (69 FR 49112).

**III. Collection of Information Requirements**

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

**Authority:** Section 1886(h)(7)(B) of the Social Security Act (42 U.S.C. 1395ww(h)(7)(B)).

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program)

Dated: November 18, 2004.

**Mark B. McClellan,**

*Administrator, Centers for Medicare & Medicaid Services.*

Approved: November 23, 2004.

**Tommy G. Thompson,**

*Secretary.*

[FR Doc. 04-26356 Filed 11-24-04; 9:24 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 224**

[Docket No. 041102303-4303-01; I.D. 101804A]

RIN 0648-AS76

**Regulations Governing the Approach to North Atlantic Right Whales**

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** NMFS issues a correcting amendment to clarify the regulations that prohibit approaches within 500 yards (460 m) of North Atlantic right whales (right whales). The purpose of this action is to correct errors contained in the text of the regulation that inadvertently refers to regulations contained in the previous paragraph within 50 CFR part 224. These technical amendments will not change the regulations for approaching right whales found in § 224.103.

**DATES:** Effective November 30, 2004.

**FOR FURTHER INFORMATION CONTACT:** Brian D. Hopper, NMFS, Northeast Region, 978-281-9328; Barb Zoodsma, NMFS, Southeast Region, 904-321-2806; or Kristy Long, NMFS, Office of Protected Resources, 301-713-2322.

**SUPPLEMENTARY INFORMATION:**

**Background**

The interim final rule implementing approach limits for right whales was published on February 13, 1997 (62 FR 6729), and codified at 50 CFR 222.32, subpart D of part 222. As part of an action taken to consolidate and reorganize existing NMFS regulations implementing the Endangered Species Act (ESA) pursuant to the President's Regulatory Reinvention Initiative (RRI), subpart D was removed from part 222 and relocated to part 224 (64 FR 14066, March 23, 1999). As a result of this reorganization, a new section was created in 50 CFR part 224 for the special prohibitions for endangered marine mammals, which included the regulations for approaching right and humpback whales.

Subsequent to the 1999 reorganization initiative, NMFS published a final rule to establish approach regulations for humpback whales within Alaskan waters (66 FR 29502, May 31, 2001). The final rule redesignated paragraphs