

the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

#### *E. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

#### *F. Unfunded Mandates*

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that

may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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

Environmental protection, Air pollution control, Intergovernmental relations.

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

Dated: December 17, 1998.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

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

### **Health Care Financing Administration**

#### **42 CFR Chapter IV**

[HCFA-3250-N2]

RIN 0938-AI92

#### **Medicare Program; Negotiated Rulemaking; Coverage and Administrative Policies for Clinical Diagnostic Laboratory Tests; Announcement of Additional Public Meetings**

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Notice of meetings.

**SUMMARY:** This notice announces additional public meetings of the Negotiated Rulemaking Committee on Coverage and Administrative Policies for Clinical Laboratory Tests. The Committee was mandated by section 4554(b) of the Balanced Budget Act of

1997, and established under the Federal Advisory Committee Act.

**DATES:** The meetings are scheduled as follows:

1. January 25, 1999, 9:00 a.m. to 5:00 p.m.

2. January 26, 1999, 9:00 a.m. to 2:00 p.m.

3. January 27, 1999, 8:00 a.m. to 4:00 p.m.

#### **FOR FURTHER INFORMATION CONTACT:**

Jackie Sheridan, (410) 786-4635.

**SUPPLEMENTARY INFORMATION:** We published a notice in the **Federal Register** on June 3, 1998 (63 FR 30166) announcing the intent to form a negotiated rulemaking committee to provide advice and make recommendations to the Secretary on the content of a proposed rule that will establish national coverage and administrative policies for clinical laboratory tests payable under Part B of the Medicare program. The notice also announced the dates of the Committee meetings that began on July 13, 1998. The meetings were originally scheduled to end December 10, 1998.

The Committee will have an additional 3-day public meeting from 9:00 a.m. to 5:00 p.m. on January 25th, from 9:00 a.m. to 2:00 p.m. on January 26th, and from 8:00 a.m. to 4:00 p.m. on January 27, 1999. The opportunity for public comment will be at 9:00 a.m. on January 26th. The meetings will be held at the Hubert H. Humphrey Building, Room 800, 200 Independence Avenue, SW, Washington, DC 20201.

The meetings are open to the public without advance registration. Public attendance at the meetings may be limited to space availability. During these meetings, the Committee will continue to address the issues within the scope of the negotiations as described in this document. More detailed information for each meeting will be available on the HCFA Internet Home Page (<http://www.hcfa.gov/quality/qlyt-8a>) preceding each meeting date.

**Authority:** Federal Advisory Committee Act (5 U.S.C. App. 2) (Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 21, 1998.

**Nancy-Ann Min DeParle,**

*Administrator, Health Care Financing Administration.*

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