

Illinois' August 15, 1994, withdrawal of its SIP submission, in the proposed rules section of this **Federal Register** USEPA is withdrawing its May 13, 1993, proposed site-specific RACT requirements for Allsteel's paint operations and its June 18, 1993, proposal to disapprove the State's SIP submission and to promulgate a new rule for the adhesive operations. In this final rule USEPA is withdrawing the May 31, 1991, and the June 4, 1993, stays pending reconsideration, since they are no longer necessary to complete reconsideration of the subject rules. It should be noted that USEPA's June 29, 1990, FIP regulations remain in place.

Pursuant to the good cause exception in section 553(b)(B) of the Administrative Procedure Act, USEPA is taking final action without proposal. The USEPA believes notice-and-comment rulemaking is unnecessary to rescind the stay of the FIP rules because the stay affects only one party and that party requested the stay. Furthermore, there were no comments when USEPA initially promulgated the stay. In addition, USEPA believes it is in the public interest to forego notice-and-comment rulemaking and to rescind the stay as expeditiously as possible because (1) Allsteel has withdrawn the petition for reconsideration upon which the stay was based, and (2) as a result of the rescission of the stay, the June 29, 1990 FIP regulations are fully enforceable.

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

Environmental protection, Air pollution control, Volatile organic compound.

Dated: December 23, 1994.

**Carol M. Browner,**  
*Administrator.*

For the reasons stated in the preamble, part 52, chapter 1, 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. 7401-7671q.

#### Subpart O—Illinois

##### § 52.74 [Amended]

2. Section 52.741 is amended by removing and reserving paragraphs (z)(1)(ii) and (z)(5), and in paragraph (z)(1)(i), by removing the semicolon and the word "and" at the end of the paragraph and adding a period.

[FR Doc. 94-32278 Filed 12-30-94; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Parts 52 and 81

[FL54-1-6026a; FRL-5089-2]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Florida

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

**ACTION:** Direct final rule.

**SUMMARY:** On June 23, 1993, the State of Florida, through the Florida Department of Environmental Protection (FDEP), submitted a maintenance plan and a request to redesignate the Duval County area from transitional nonattainment to attainment for ozone (O<sub>3</sub>). The O<sub>3</sub> nonattainment area consists only of Duval County. Under the Clean Air Act (CAA), designations can be revised if sufficient data are available to warrant such revisions. In this action, EPA is approving Florida's request because it meets the maintenance plan and redesignation requirements set forth in the CAA and EPA is approving the 1990 base year emissions inventory. The approved maintenance plan will become a federally enforceable part of the State Implementation Plan (SIP) for the Duval County nonattainment area.

**DATES:** This final rule will be effective March 6, 1995 unless adverse or critical comments are received by February 2, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments on this action should be addressed to Joey LeVasseur, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460  
Environmental Protection Agency, Region IV Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365  
Air Resources Management Division, Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

**FOR FURTHER INFORMATION CONTACT:** Joey LeVasseur, Regulatory Planning and Development Section, Air Programs

Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 ext. 4215. Reference file FL54-1-6026.

**SUPPLEMENTARY INFORMATION:** The CAA, as amended in 1977 (1977 Act) required areas that were designated nonattainment based on a failure to meet the O<sub>3</sub> national ambient air quality standard (NAAQS) to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. Duval County was designated under section 107 of the 1977 Act as nonattainment with respect to the O<sub>3</sub> NAAQS on March 3, 1978. [43 FR 8964, 40 CFR Section 81.310] In accordance with section 110 of the 1977 Act, the State submitted a part D O<sub>3</sub> SIP on April 30, 1979, which was supplemented on August 27, 1979, and January 23, 1980, which EPA conditionally approved on March 18, 1980, and fully approved on May 14, 1981, as meeting the requirements of section 110 and part D of the 1977 Act.

On November 15, 1990, the CAA Amendments of 1990 were enacted (1990 Amendments) [Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. §§ 7401-7671q]. The nonattainment designation of Duval County was continued by operation of law pursuant to section 107(d)(1)(C)(i) of the 1990 Amendments. Furthermore, it was classified by operation of law as transitional for O<sub>3</sub> according to section 181(a)(1). (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR 81.310.)

Duval County more recently has ambient monitoring data that show no violations of the O<sub>3</sub> NAAQS, during the period from 1987 through 1993. In addition, there have been no exceedences reported for the 1994 O<sub>3</sub> season, to date. Therefore, in an effort to comply with the amended CAA and to ensure continued attainment of the NAAQS, Florida submitted an O<sub>3</sub> maintenance SIP for the Duval County area on June 23, 1993, and a supplemental revision on August 23, 1994. Florida also requested redesignation of the area to attainment with respect to the O<sub>3</sub> NAAQS.

The 1990 Amendments revised section 107(d)(1)(E) to provide five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment.

1. The area must have attained the applicable NAAQS;

2. The area must meet all relevant requirements under section 110 and part D of the CAA;

3. The area must have a fully approved SIP under section 110(k) of the CAA;

4. The air quality improvement must be permanent and enforceable; and

5. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA;

The Florida redesignation request for the Duval County area meets the five requirements of section 107(d)(3)(E), noted above. The following is a brief description of how the State has fulfilled each of these requirements. Because the maintenance plan is a critical element of the redesignation request, EPA will discuss its evaluation of the maintenance plan under its analysis of the redesignation request.

### 1. Attainment of the O<sub>3</sub> NAAQS

The Florida request is based on an analysis of quality assured O<sub>3</sub> air quality data which is relevant to the maintenance plan and to the redesignation request. The ambient air O<sub>3</sub> monitoring data for calendar year 1987 through calendar year 1989 show an expected exceedence rate for the O<sub>3</sub> standard of less than 1.0 per year of the O<sub>3</sub> NAAQS in the Duval County area, resulting in a classification of transitional. The most recent ambient O<sub>3</sub> data for the calendar year 1991 through 1993 continued to show an expected exceedence rate of less than 1.0 per year of the O<sub>3</sub> NAAQS in the Duval County area. (See 40 CFR 50.9 and appendix H). Because the Duval County area has complete quality-assured data showing no violations of the standard over the most recent consecutive three calendar year period, the Duval County area has met the first statutory criterion of attainment of the O<sub>3</sub> NAAQS. In addition, there have been no ambient air exceedences to date in 1994 for O<sub>3</sub>. Florida has committed to continue monitoring in this area in accordance with 40 CFR part 58.

### 2. Meeting Applicable Requirements of Section 110 and Part D

On May 14, 1981, EPA fully approved Florida's SIP for the Duval County area as meeting the requirements of section 110(a)(2) and part D of the 1977 Act (46 FR 26640). The 1990 Amendments, however, modified section 110(a)(2) and, under part D, revised section 172 and added new requirements for all nonattainment areas. Therefore, for purposes of redesignation, to meet the requirement that the SIP contain all applicable requirements under the Act, EPA has reviewed the SIP to ensure that it contains all measures that were due under the 1990 Amendments prior to or

at the time the State submitted its redesignation request.

#### A. Section 110 Requirements

Although section 110 was amended by the 1990 Amendments, the Duval County SIP meets the requirements of amended section 110(a)(2). A number of the requirements did not change in substance and, therefore, EPA believes that the pre-amendment SIP met these requirements. As to those requirements that were amended, (see 57 FR 27936 and 23939, June 23, 1993), many are duplicative of other requirements of the Act. EPA has analyzed the SIP and determined that it is consistent with the requirements of amended section 110(a)(2).

#### B. Part D Requirements

Before Duval County may be redesignated to attainment, it also must have fulfilled the applicable requirements of part D. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as nonclassifiable. Subpart 2 of part D establishes additional requirements for nonattainment areas classified under table 1 of section 181(a) or table 3 of section 186(a). Subpart 2 requirements, however, are not applicable to transitional areas. The Duval County area was classified as transitional (See 56 FR 56694, codified at 40 CFR §81.530). Therefore, in order to be redesignated to attainment, the State must meet the applicable requirements of subpart 1 of part D, specifically sections 172(c) and 176, and is not subject to the requirements of subpart 2 of part D. EPA interprets section 107(d)(3)(E)(v) to mean that, for a redesignation request to be approved, the State must have met all requirements that became applicable to the subject area prior to or at the time of the submission of the redesignation request. Requirements of the Act that come due subsequent to the submission of the redesignation request continue to be applicable to the area (see section 175A(c)) and, if the redesignation is disapproved, the state remains obligated to fulfill those requirements.

With the exception of the RACT requirement, for transitional O<sub>3</sub> nonattainment areas that attained the standard as of December 31, 1991, EPA has not determined that the section 172(c) requirements were applicable prior to November 15, 1993. Thus, no section 172(c) requirements other than the RACT requirement are applicable requirements for purposes of this

redesignation. For RACT, EPA has stated that transitional ozone nonattainment areas must correct any enforceability deficiencies in their existing RACT rules prior to being redesignated to attainment. The State corrected all identified deficiencies in the State RACT regulations. The regulations apply in Duval County.

Section 176(c) of the Act requires states to revise their SIPs to establish criteria and procedures to ensure that Federal actions, before they are taken, conform to the air quality planning goals in the applicable state SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. of the Federal Transit Act ("transportation conformity"), as well as to all other Federal Actions ("general conformity"). Section 176 further provides that the conformity revisions to be submitted by States must be consistent with Federal conformity regulations that the Act required EPA to promulgate. Congress provided for the State revisions to be submitted one year after the date for promulgation of final EPA conformity regulations. When that date passed without such promulgation, USEPA's General Preamble for the Implementation of Title I informed States that its conformity regulations would establish a submittal date [see 57 FR 13498, 13557 (April 16, 1992)].

The USEPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62188) and general conformity regulations on November 30, 1993 (58 FR 63214). These conformity rules require that States adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under CAA section 1775A. Pursuant to section 51.396 of the transportation conformity rule and section 51.851 of the general conformity rule, the State of Florida is required to submit a SIP revision containing transportation conformity criteria and procedures consistent with those established in the Federal rule by November 25, 1994. Similarly, Florida is required to submit a SIP revision containing general conformity criteria and procedures consistent with those established in the Federal rule by December 1, 1994. Because the deadlines for these submittals have not yet come due, they are not applicable requirements under section 107(d)(3)(E)(v) and, thus, do not affect approval of this redesignation request.

**3. Fully Approved SIP Under Section 110(k) of the CAA**

Based on the approval of provisions under the pre-amended CAA and EPA's prior approval of SIP revisions under the 1990 Amendments, EPA has determined that the Duval County area has a fully approved SIP under section 110(k), which also meets the applicable requirements of section 110 and part D as discussed above.

**4. Improvement in Air Quality Due to Permanent and Enforceable Measures**

Under the pre-amended CAA, EPA approved the Florida SIP control strategy for the Duval County nonattainment area, satisfied that the rules and the emission reductions achieved as a result of those rules were enforceable. The control measures to which the emission reductions are attributed are volatile organic compound (VOC) reasonably available control technology (RACT) regulations, Stage I vapor recovery provisions, Federal Motor Vehicle Control Program (FMVCP), and lower Reid Vapor Pressure (RVP). RACT regulations reduced VOC emissions from those sources subject to RACT by 28% from 1977 through 1990. Stage I controls applicable to gasoline stations previously not subject to regulations reduced VOC emissions from those sources by 82% from 1981 through 1990. The FMVCP reduced VOC emissions from motor vehicles by

31.82% from 1985 to 1992. The reduction in RVP from 11.5 psi in 1985 to 7.8 psi in 1992 has reduced summertime VOC mobile source emissions by 25.36%.

In association with its emission inventory discussed below, the State of Florida has demonstrated that actual enforceable emission reductions are responsible for the air quality improvement and that the VOC emissions in the base year are not artificially low due to local economic downturn. EPA finds that the combination of existing EPA-approved state and federal measures contribute to the permanence and enforceability of reduction in ambient O<sub>3</sub> levels that have allowed the area to attain the NAAQS.

**5. Fully Approved Maintenance Plan Under Section 175A**

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule

for implementation, adequate to assure prompt correction of any air quality problems. In this notice, EPA is approving the State of Florida's maintenance plan for the Duval County area because EPA finds that Florida's submittal meets the requirements of section 175A.

*A. Emissions Inventory—Base Year Inventory*

On November 16, 1992, the State of Florida submitted comprehensive inventories of VOCs, nitrogen oxides (NO<sub>x</sub>), and carbon monoxide (CO) emissions from the Duval County area. The inventories include biogenic, area, stationary, and mobile sources using 1990 as the base year for calculations to demonstrate maintenance. The 1990 inventory is considered representative of attainment conditions because the NAAQS was not violated during 1990. This inventory is being approved in this notice.

The State submittal contains the detailed inventory data and summaries by county and source category. The comprehensive base year emissions inventory was submitted in the NEDS format. Finally, this inventory was prepared in accordance with EPA guidance. It also contains summary tables of the base year and projected maintenance year inventories. EPA's TSD contains more in-depth details regarding the base year inventory for the Duval County area.

VOC EMISSIONS INVENTORY SUMMARY  
[Tons per day]

	1990	1994	1997	2000	2005
Stationary point .....	15.60	17.01	18.14	19.20	20.87
Stationary area .....	51.25	46.00	44.65	45.71	39.24
Highway mobile .....	82.49	54.24	51.10	49.09	48.33
Non-Highway mobile .....	24.63	26.36	27.22	29.10	29.41
Biogenic .....	45.53	45.53	45.53	45.53	45.53
<b>Total .....</b>	<b>219.50</b>	<b>189.14</b>	<b>186.64</b>	<b>188.63</b>	<b>183.38</b>

NO<sub>x</sub> Emissions Inventory Summary  
[Tons per day]

	1990	1994	1997	2000	2005
Stationary point .....	101.16	103.21	103.47	105.95	108.87
Stationary area .....	8.37	12.54	13.03	13.72	14.67
On-Road mobile .....	61.40	60.60	59.92	58.91	59.11
Non-Road mobile .....	21.07	21.71	22.26	22.83	23.74
<b>Total .....</b>	<b>192.00</b>	<b>198.06</b>	<b>198.68</b>	<b>201.41</b>	<b>206.39</b>

CO EMISSIONS INVENTORY SUMMARY  
[Tons per day]

	1990
Stationary point .....	30.6
Stationary area .....	7.6
On-Road mobile .....	452.7
Non-Road mobile .....	155.3
Total .....	646.2

*B. Demonstration of Maintenance—  
Projected Inventories*

Total VOC and NO<sub>x</sub> emissions were projected from 1990 base year out to 2005, with interim years of 1994, 1997, and 2000. These projected inventories were prepared in accordance with EPA guidance. The projections show that VOC emissions are expected to decrease 36.12 tons or 16.5% from the level of the base year inventory during this time period. The NO<sub>x</sub> emissions do show a slight increase of 14.39 tons or 7.5% from 1990 to 2005, but the total precursors of ozone decrease from 411.5 tons to 389.77 tons for a reduction by 21.73 tons or 5.3%. Duval County attained the NAAQS through a VOC control strategy.

The Empirical Kinetics Modeling Approach (EKMA) was used to demonstrate the impact of NO<sub>x</sub> emission increases on maximum ozone formation. The EKMA analysis showed that the projected future mix of emissions will not cause a violation of the NAAQS. EPA EKMA guidance documents were used in developing model inputs. The model was run using 1987 meteorological conditions and monitored ozone, NO<sub>x</sub> and nonmethane organic compound (NMOC) concentration data for July 10, 1987, and was run in the EKMA calculate mode. This day had an observed ozone maximum concentration of 0.118 parts per million (ppm). The monitored NMOC/NO<sub>x</sub> ratio of 4.13 was used as input. The model was run five times using the following mix of emissions:

- (1) 1990 VOC and NO<sub>x</sub> emissions (base case);
- (2) base case with 7.5% increased NO<sub>x</sub>;
- (3) base case with 15% increased NO<sub>x</sub>;
- (4) base case with 30% increased NO<sub>x</sub>; and
- (5) base case with 7.5% increased NO<sub>x</sub> and 16% NMOC reductions). The EKMA predicted an ozone maximum of 0.097 ppm using the 1990 base case emissions. This model concentration under-predicted the observed ozone maximum (0.118 ppm) by 18%.

The model output indicated a continual decrease in the maximum

model-predicted ozone with each increase in NO<sub>x</sub> emissions over the 1990 base case inventory (see table). Additionally, the modeling indicated that the mix of emissions as indicated in the 2005 inventory (16% VOC reductions and 7.5% NO<sub>x</sub> increase over the 1990 inventory) produced lower ozone levels than the base case. Thus, the analysis indicates that, notwithstanding the projected increase in NO<sub>x</sub> emissions, the Jacksonville area should continue to maintain the standard throughout the maintenance period.

July 10:

Base case: 0.09744 ppm

Base case +7.5% NO<sub>x</sub>: 0.09624 ppm

Base case +15% NO<sub>x</sub>: 0.09512 ppm

Base case +30% NO<sub>x</sub>: 0.09287 ppm

Base case -16% NMOC + 7.5% NO<sub>x</sub>:  
0.09459 ppm

*C. Verification of Continued Attainment*

Continued attainment of the O<sub>3</sub> NAAQS in the Duval County area depends, in part, on the State's efforts toward tracking indicators of continued attainment during the maintenance period. The State has also committed to submitting periodic inventories of VOC and NO<sub>x</sub> emissions every three years. Duval County's contingency plan is triggered by two indicators, a violation of the O<sub>3</sub> NAAQS or a periodic inventory update that shows emissions of VOCs have increased by at least five percent above the 1990 levels.

*D. Contingency Plan*

The level of VOC emissions in the Duval County area will largely determine its ability to stay in compliance with the O<sub>3</sub> NAAQS in the future. Despite the State's best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS. Therefore, Florida has provided contingency measures with a schedule for implementation in the event of a future O<sub>3</sub> air quality problem. In the case of a violation of the O<sub>3</sub> NAAQS, the plan contains a contingency to implement additional control measures such as reinstatement of NSR, less volatile or reformulated gasoline, NO<sub>x</sub> Reasonable Available Control Technology (RACT), Stage II vapor recovery, expansion of control strategies to adjacent counties for VOC and/or NO<sub>x</sub> and to new control technique guidelines (CTG) categories, and an enhanced vehicle emissions inspection program. The plan also contains a secondary trigger that will apply where no actual violation of the NAAQS has occurred. This trigger occurs if a periodic inventory update

shows emissions of VOCs have increased by five percent above the 1990 levels. On the occurrence of the secondary trigger, the State will complete an evaluation within six months to determine the most cost-effective means for lowering VOC emissions to the 1990 levels. A complete description of these contingency measures and their triggers can be found in the State's submittal. EPA finds that the contingency measures provided in the State submittal meet the requirements of section 175A(d) of the CAA.

*E. Subsequent Maintenance Plan Revisions*

In accordance with section 175A(b) of the CAA, the State has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. Such revised SIP will provide for maintenance for an additional ten years.

**Final Action**

In this action, EPA is approving the Duval County O<sub>3</sub> maintenance plan because it meets the requirements of section 175A. EPA is also approving the 1990 base year inventory summary. In addition, the EPA is approving the request and redesignating the Duval County area to attainment, because the State has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation. The EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 6, 1995 unless, within 30 days of its publication, adverse or critical comments are received. If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective March 6, 1995.

The O<sub>3</sub> SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the O<sub>3</sub> NAAQS. This final redesignation should not be

interpreted as authorizing the State to delete, alter, or rescind any of the VOC or NO<sub>x</sub> emission limitations and restrictions contained in the approved O<sub>3</sub> SIP. Changes to O<sub>3</sub> SIP VOC regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of non-implementation [section 173(b) of the CAA] and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the CAA.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 6, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the CAA, 42 U.S.C. 7607 (b)(2).]

Nothing in this action shall be construed as permitting, allowing, or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or

final rule on small entities. 5 U.S.C sections 603 and 604. Alternatively, EPA may certify 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 government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

**List of Subjects**

*40 CFR Part 52*

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, and Ozone.

*40 CFR Part 81*

Air pollution control, National parks, and Wilderness areas.

Dated: September 28, 1994.

**Joe R. Franzmathes,**  
*Acting Regional Administrator.*

Chapter I, title 40, *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. 7401-7671q.

**Subpart K—Florida**

2. Section 52.520, is amended by adding paragraph (c)(81) to read as follows:

**§ 52.520 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(81) The maintenance plan for Duval County submitted by the Florida Department of Environmental Protection on June 23, 1993, as part of the Florida SIP.

(i) Incorporation by reference.

(A) Duval County Ozone Ten Year Maintenance Plan including Emissions Inventory Summary and Projections effective on August 23, 1994.

(ii) Other material. None.

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**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671.

**Subpart C—Section 107 Attainment Status Designations**

2. In § 81.310 the attainment status table for "Florida-Ozone" is amended by removing the entire entry for "Jacksonville Area Duval County" and adding a new entry in alphabetical order under the heading "Rest of State" to read as follows:

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
* * *	* * *	* * *	* * *	* * *
Duval County .....	March 6, 1995 .....			
* * *	* * *	* * *	* * *	* * *

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

[FR Doc. 94-32234 Filed 12-30-94; 8:45 am]  
 BILLING CODE 6560-50-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Care Financing Administration**

**42 CFR Parts 410 and 414**

[BPD-789-CN]

RIN 0938-AG52

**Medicare Program; Refinements to Geographic Adjustment Factor Values, Revisions to Payment Policies, Adjustments to the Relative Value Units (RVUs) Under the Physician Fee Schedule for Calendar Year 1995, and the 5-Year Refinement of RVUs**

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

**ACTION:** Correction of final rule with comment period.

**SUMMARY:** This document corrects technical errors that appeared in the

final rule with comment period published in the **Federal Register** on December 8, 1994 (59 FR 63410) entitled "Medicare Program; Refinements to Geographic Adjustment Factor Values, Revisions to Payment Policies, Adjustments to the Relative Value Units (RVUs) Under the Physician Fee Schedule for Calendar Year 1995, and the 5-Year Refinement of RVUs."

**EFFECTIVE DATE:** January 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Holland, (410) 966-1309.

**SUPPLEMENTARY INFORMATION:**

**Background**

In the **Federal Register** Document [94-29916] dated December 8, 1994 beginning on page 63410, there were a number of technical and typographical errors in the preamble, in one section of the regulations text, and in two of the addenda. The corrections appear later in this document, under the heading "Correction of Errors."

In Table 6, Anesthesia Codes and Imputed RVUs, beginning on page

63456, we omitted the entry for HCPCS code 00534 and should not have included HCPCS code 00806. Also in Table 6, due to a transcription error, the "descriptions" were incorrect for HCPCS codes 00540 through 00802.

In the regulations text, § 414.39, appearing at page 63463, the text does not agree with the preamble description of it on page 63418 relating to payment of physician oversight services.

In Addendum B, Relative Value Units (RVUs) and Related Information, on page 63497, for HCPCS code 33247, the incorrect work RVUs (9.36) and incorrect total RVUs (25.06) were printed. The correct work RVUs for HCPCS code 33247 are 9.76 and the correct total RVUs are 25.36.

In Addendum G, Reference Set with 1995 Work RVUs, we inadvertently included some codes and omitted other codes. Thus, we are reprinting a corrected Addendum G in its entirety. The codes that were incorrectly included are listed below.

**CODES TO BE DELETED FROM ADDENDUM G**

HCPCS <sup>1</sup>	Description	Work RVU
10040	Acne surgery	1.34
10080	Drainage of pilonidal cyst	1.62
11042	Cleansing of skin/tissue	1.12
11050	Trim skin lesion	0.43
11051	Trim 2 to 4 skin lesions	0.66
14041	Skin tissue rearrangement	10.74
14061	Skin tissue rearrangement	11.42
15732	Muscle-skin graft, head/neck	12.10
15822	Revision of upper eyelid	4.27
15851	Removal of sutures	0.86
16000	Initial treatment of burn(s)	0.89
16025	Treatment of burn(s)	1.85
22505	Manipulation of spine	1.77
26990	Drainage of pelvis lesion	6.76
27125	Partial hip replacement	13.21
28450	Treat midfoot fracture, each	1.77
28515	Treatment of toe fracture	1.36
31579	Diagnostic laryngoscopy	2.26
32005	Treat lung lining chemically	2.19
32095	Biopsy through chest wall	7.13
33249	Insert/replace leads/gener	12.83
33510	Cabg, vein, single	23.29
35381	Rechannelling of artery	14.50
43226	Esophagus endoscopy, dilation	2.34
43640	Vagotomy & pylorus repair	13.28
43820	Fusion of stomach and bowel	10.43
44110	Excision of bowel lesion(s)	9.01
44130	Bowel to bowel fusion	11.09
44141	Partial removal of colon	17.36
45383	Colonoscopy, lesion removal	5.87
45915	Remove rectal obstruction	2.09
46080	Incision of anal sphincter	2.35
47100	Wedge biopsy of liver	6.75
47510	Insert catheter, bile duct	7.39
48100	Biopsy of pancreas	10.19
49002	Reopening of abdomen	9.40
49421	Insert abdominal drain	4.89
50360	Transplantation of kidney	27.05
50398	Change kidney tube	1.46
52005	Cystoscopy & ureter catheter	2.37