Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at:
opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office Of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligation of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 21 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 28, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By revising § 180.459, to read as follows:

§ 180.459 Triasulfuron; tolerances for residues.

(a) Tolerances are established for residues of the herbicide triasulfuron [3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-(2-chloroethoxy)phenylsulfonyl)urea] in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, forage	5.0
Barley, grain	0.02
Barley, straw	2.0
Cattle, fat	0.1
Cattle, mbyp except kidney	0.1
Cattle, meat	0.1
Goats, fat	0.1
Goats, mbyp except kidney	0.1
Goats, meat	0.1
Hogs, fat	0.1
Hogs, mbyp	0.1
Hogs, meat	0.1
Horses, fat	0.1
Horses, mbyp except kidney	0.1
Horses, meat	0.1
Milk	0.02
Sheep, fat	0.1
Sheep, mbyp except kidney	0.1
Sheep, meat	0.1
Wheat, forage	5.0
Wheat, grain	0.02
Wheat, straw	2.0

(b) Time-limited tolerances are are established for residues of the herbicide triasulfuron [3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-(2-chloroethoxy)phenylsulfonyl)urea] in or on the following raw agricultural commodities:

Commodity	Parts per million	Expiration date
Cattle, kidney	0.5	July 20, 1998.
Goats, kidney	0.5	Do.
Grass, forage	7.0	Do.
Grass, hay	2.0	Do.
Horses, kidney.	0.5	Do.
Sheep, kidney.	0.5	Do.

[FR Doc. 95–17128 Filed 7–17–95; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Part 271

[FRL–5258–8]

Arizona: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Affirmation of immediate final rule.

SUMMARY: This document responds to the comment received on the immediate final rule published April 11, 1995 (60 FR 18356), and affirms the Agency's decision to authorize Arizona's revised program.

EFFECTIVE DATE: June 12, 1995.

FOR FURTHER INFORMATION CONTACT: April Katsura, U.S. EPA Region IX (H–4), 75 Hawthorne Street, San Francisco, CA 94105, Phone: 415/744–2030.

SUPPLEMENTARY INFORMATION: On April 11, 1995, EPA published an immediate final rule (60 FR 18356) which announced the Agency's decision to authorize Arizona's revisions to its hazardous waste program. Those revisions primarily include the Federal amendments made between July 1, 1990 and June 30, 1992. Major revisions include new rules relating to wood preserving and boilers and industrial furnaces.

One comment was received during the comment period. After considering the comment, the Regional Administrator has decided to affirm her decision to authorize the State of Arizona for the program revisions. The following is a summary of the comment and the Regional Administrator's response.

Comment: EPA should not approve the program revision because the Arizona Department of Environmental Quality (ADEQ) has shown in the specific examples given by the

commenter that ADEQ is not capable of implementing Arizona's existing hazardous waste program. The permitting and enforcement programs are inconsistent and favor violators. Permitting is also slow and unresponsive to the public.

The comment contained examples about three facilities. As to the first facility, the commenter alleged that there have been various explosions and that waste was sent off-site from the facility to a non-permitted site. Also, there was no penalty assessed despite an alleged failure to submit the facility's permit application on time. The commenter further questioned the validity of a partial facility closure that was approved after a public hearing was denied. Finally, the commenter stated that ADEQ has yet to issue a permit for this facility.

In the second case, a facility is operating on the site of a previous facility. The commenter alleged that both facilities were able to operate under interim status for over 10 years. The commenter stated that this allowed increases in storage and treatment capacity at the facilities without the public participation which would have been required under the permitting process. The commenter further alleged that the current facility has documented groundwater and soil contamination that ADEQ has not addressed.

Lastly, the commenter alleged that in conducting public participation on a permit for a facility in Phoenix, ADEQ denied a request for a public hearing on the grounds that there was not sufficient public interest despite the fact that it was the City of Phoenix that had requested the hearing.

Response: This comment does not specifically pertain to the State's program revision discussed in EPA's notice but comments more generally on the State's overall program capabilities. EPA cannot find that the examples cited demonstrate an overall lack of permitting and enforcement capability, though the comment warrants further action as detailed below.

Based on a review of Arizona's application for final authorization as well as continuing periodic comprehensive assessments of Arizona's hazardous waste program, EPA has determined that Arizona meets the RCRA requirements including those set out in 40 CFR 271.13 through 271.16. EPA has further determined that Arizona has the capability to implement these requirements. Also, EPA's oversight of the Arizona program includes monitoring of the implementation of the approved program, including permitting and enforcement, through quarterly progress reports which culminate in an annual on-site review. Arizona most recently successfully completed the program review process in November 1994, although the review did identify permits and enforcement as some areas for on-going program improvements.

Information such as that provided by this commenter is continually evaluated by EPA in these assessments of State capabilities. EPA now is following up on the commenter's examples as part of EPA's on-going evaluation of the Arizona program. Problem areas which are identified through this process will be addressed through program implementation improvement.

Finally, though the intermittent enforcement complained of does not represent a lack of program capability, it may, after further investigation, suggest the need for supplementary Federal enforcement action in some cases. Although authorized states have primary enforcement responsibility, EPA retains enforcement authority to carry out RCRA requirements. The commenter's examples will be fully evaluated and enforcement action taken, as appropriate.

In sum, EPA has evaluated the state's capability and has determined that the state has adequate capability to warrant authorization. Any member of the public, however, is at any time encouraged to raise such concerns for EPA to take into account in EPA's ongoing assessment and improvement of program capabilities.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Arizona's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Under the authority of RCRA section 3006(b), EPA has already approved Arizona's hazardous waste program. EPA does not anticipate that the approval of the revisons to Arizona's hazardous waste program referenced in today's notice will result in annual costs of $100 million or more. EPA estimates that it costs a state approximately $7,323 to develop and submit to EPA a revision application for approval.

EPA's approval of state programs generally have a deregulatory effect on the private sector because once it is determined that a state hazardous waste program meets the requirements of RCRA section 3006(b) and the regulations promulgated thereunder at 40 CFR Part 271, owners and operators

of hazardous waste treatment, storage, or disposal facilities (TSDFs) may take advantage of the flexibility that an approved state may exercise. Such flexibility will reduce, not increase, compliance costs for the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR parts 264, 265 and 270. Once EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs with increased levels of flexibility provided under the approved State program.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 6, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95–17479 Filed 7–17–95; 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; Correction

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

ACTION: Correction of final rule with comment period.

SUMMARY: This document is a second correction to technical errors that appeared in the final rule with comment period 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'' published in the **Federal Register** on December 8, 1994. The first correction notice was published in the **Federal Register** on January 3, 1995 (60 FR 46).

EFFECTIVE DATE: January 1, 1995.

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

SUPPLEMENTARY INFORMATION:

Background

In the FR Doc. (94–29916) dated December 8, 1994, there were a number of technical and typographical errors in the preamble, in the regulations text, and in the addenda. To correct these errors, we published a correction notice in the **Federal Register** on January 3, 1995 (60 FR 46). Since the publication of that correction notice, we discovered additional errors, beginning on page 63417, in the preamble, in one section of the regulations text, in Addendum B (''Relative Value Units (RVUs) and Related Information''), and in Addendum F (''Procedure Codes Subject to the Site-of-Service Differential''). The corrections appear later in this document, under the heading ''Correction of Errors.''

In the preamble, on pages 63417 and 63432, we incorrectly referred to the ''American Osteopathic Association'' as the ''American Academy of Osteopathy.'' Also, on page 63425, we provided an incorrect response to one of the public comments we received.

In the regulations text set forth at § 414.39 (''Special rules for payment of care plan oversight''), on page 63463, we inadvertently failed to state, in paragraph (b)(2) concerning the conditions under which separate payment may be made, that a physician may not have an ownership interest in a home health agency.

In Addendum B, we inadvertently printed incorrect information for certain codes. In Addendum F, we should not have included HCPCS codes 29530, 95880, and 95881.

Correction of Errors

In FR Doc. 94–29916 of December 8, 1994 (59 FR 63410) make the following corrections:

A. Page 63417

On page 63417, in column one, in the second bullet point, replace the ''American Academy of Osteopathy'' with the ''American Osteopathic Association.''

B. Page 63425

On page 63425, in column three, remove the response to the second comment, and, in its place, insert the following response: ''The commenters correctly stated that psychotherapy codes are excluded from the site-of-service list; however, the two codes listed are not psychotherapy codes. They are diagnostic tests. Since these codes lack work RVUs, these codes should be treated like CPT code 90830, psychological testing. Therefore, we are modifying our proposed site-of-service list and are removing CPT codes 95880 and 95881 from the list.''

C. Page 63432

On page 63432, in column two, in the second bullet point, replace the ''American Academy of Osteopathy'' with the ''American Osteopathic Association.''

D. Page 63463

On page 63463, in column 2, in line 3, in § 414.39(b)(2), insert the phrase ''ownership interest in, or'' before the word ''financial,'' and insert a comma after the word ''with'' in line 4.