

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.

*E. Page 63493, Addendum B*

On page 63493, Addendum B is corrected to read as follows:

| HCPCS <sup>1</sup> | MOD   | Status  | Description                       | Work RVUs <sup>2</sup> | Practice expense RVUs <sup>3</sup> | Mal-practice RVUs | Total | Global period | Update |
|--------------------|-------|---------|-----------------------------------|------------------------|------------------------------------|-------------------|-------|---------------|--------|
| 31231              | ..... | A ..... | Nasal endoscopy, dx .....         | 1.10                   | 1.37                               | 0.15              | 2.62  | 000           | S      |
| 31233              | ..... | A ..... | Nasal/sinus endoscopy, dx .....   | 2.18                   | * 2.79                             | 0.31              | 5.28  | 000           | S      |
| 31235              | ..... | A ..... | Nasal/sinus endoscopy, dx .....   | 2.64                   | 2.39                               | 0.26              | 5.29  | 000           | S      |
| 31237              | ..... | A ..... | Nasal/sinus endoscopy, surg ..... | 2.98                   | 3.37                               | 0.37              | 6.72  | 000           | S      |

<sup>1</sup> All numeric CPT HCPCS Copyright 1994 American Medical Association.  
<sup>2</sup> # Indicates RVUs are not used for Medicare payment.  
<sup>3</sup> \* Indicates reduction of Practice Expense RVUs as a result of OBRA 1993.

*F. Page 63503, Addendum B*

On page 63503, Addendum B is corrected to read as follows:

| HCPCS <sup>1</sup> | MOD   | Status  | Description         | Work RVUs <sup>2</sup> | Practice expense RVUs <sup>3</sup> | Mal-practice RVUs | Total | Global period | Update |
|--------------------|-------|---------|---------------------|------------------------|------------------------------------|-------------------|-------|---------------|--------|
| 36522              | ..... | A ..... | Photopheresis ..... | 1.67                   | * 3.31                             | 0.37              | 5.35  | 000           | S      |

<sup>1</sup> All numeric CPT HCPCS Copyright 1994 American Medical Association.  
<sup>2</sup> # Indicates RVUs are not used for Medicare payment.  
<sup>3</sup> \* Indicates reduction of Practice Expense RVUs as a result of OBRA 1993.

*G. Page 63509, Addendum B*

On page 63509, Addendum B is corrected to read as follows:

| HCPCS <sup>1</sup> | MOD   | Status  | Description                      | Work RVUs <sup>2</sup> | Practice expense RVUs <sup>3</sup> | Mal-practice RVUs | Total | Global period | Update |
|--------------------|-------|---------|----------------------------------|------------------------|------------------------------------|-------------------|-------|---------------|--------|
| 43847              | ..... | A ..... | Gastric bypass for obesity ..... | 19.87                  | 14.80                              | 3.30              | 37.97 | 090           | S      |

<sup>1</sup> All numeric CPT HCPCS Copyright 1994 American Medical Association.  
<sup>2</sup> # Indicates RVUs are not used for Medicare payment.  
<sup>3</sup> \* Indicates reduction of Practice Expense RVUs as a result of OBRA 1993.

*H. Page 63563, Addendum B*

On page 63563, Addendum B is corrected to read as follows:

| HCPCS <sup>1</sup> | MOD      | Status  | Description                       | Work RVUs <sup>2</sup> | Practice expense RVUs <sup>3</sup> | Mal-practice RVUs | Total | Global period | Update |
|--------------------|----------|---------|-----------------------------------|------------------------|------------------------------------|-------------------|-------|---------------|--------|
| 78806              | .....    | A ..... | Abscess imaging, whole body ..... | 0.86                   | 6.51                               | 0.45              | 7.82  | XXX .....     | N      |
| 78806              | 26 ..... | A ..... | Abscess imaging, whole body ..... | 0.86                   | 0.38                               | 0.06              | 1.30  | XXX .....     | N      |

<sup>1</sup> All numeric CPT HCPCS Copyright 1994 American Medical Association.  
<sup>2</sup> # Indicates RVUs are not used for Medicare payment.  
<sup>3</sup> \* Indicates reduction of Practice Expense RVUs as a result of OBRA 1993.

*I. Page 63580, Addendum B*

On page 63580, Addendum B is corrected to read as follows:

| HCPCS <sup>1</sup> | MOD   | Status  | Description                    | Work RVUs <sup>2</sup> | Practice expense RVUs <sup>3</sup> | Mal-practice RVUs | Total | Global period | Update |
|--------------------|-------|---------|--------------------------------|------------------------|------------------------------------|-------------------|-------|---------------|--------|
| 90846              | ..... | R ..... | Special family therapy .....   | 1.82                   | 0.62                               | 0.08              | 2.52  | XXX .....     | N      |
| 90847              | ..... | R ..... | Special family therapy .....   | 2.19                   | 0.58                               | 0.08              | 2.85  | XXX .....     | N      |
| 90887              | ..... | R ..... | Consultation with family ..... | 1.48                   | 0.33                               | 0.04              | 1.85  | XXX .....     | N      |

<sup>1</sup> All numeric CPT HCPCS Copyright 1994 American Medical Association.  
<sup>2</sup> # Indicates RVUs are not used for Medicare payment.  
<sup>3</sup> \* Indicates reduction of Practice Expense RVUs as a result of OBRA 1993.

*J. Page 63590, Addendum B*

On page 63590, Addendum B is corrected to read as follows:

| HCPCS <sup>1</sup> | MOD   | Status  | Description                        | Work RVUs <sup>2</sup> | Practice expense RVUs <sup>3</sup> | Mal-practice RVUs | Total | Global period | Update |
|--------------------|-------|---------|------------------------------------|------------------------|------------------------------------|-------------------|-------|---------------|--------|
| 95115              | ..... | A ..... | Immunotherapy, one injection ..... | 0.00                   | 0.37                               | 0.02              | 0.39  | 000 .....     | N      |
| 95117              | ..... | A ..... | Immunotherapy injections .....     | 0.00                   | 0.48                               | 0.02              | 0.50  | 000 .....     | N      |

<sup>1</sup> All numeric CPT HCPCS Copyright 1994 American Medical Association.

<sup>2</sup>#Indicates RVUs are not used for Medicare payment.  
<sup>3</sup>\*Indicates reduction of Practice Expense RVUs as a result of OBRA 1993.

**K. Page 63591, Addendum B**  
 On page 63591, Addendum B is corrected to read as follows:

| HCPCS <sup>1</sup> | MOD      | Status  | Description                       | Work RVUs <sup>2</sup> | Practice expense RVUs <sup>3</sup> | Mal-practice RVUs | Total | Global period | Update |
|--------------------|----------|---------|-----------------------------------|------------------------|------------------------------------|-------------------|-------|---------------|--------|
| 95144              | .....    | A ..... | Antigen therapy services .....    | 0.06                   | 0.13                               | 0.01              | 0.20  | 000 .....     | N      |
| 95145              | .....    | A ..... | Antigen therapy services .....    | 0.06                   | 0.34                               | 0.03              | 0.43  | 000 .....     | N      |
| 95146              | .....    | A ..... | Antigen therapy services .....    | 0.06                   | 0.61                               | 0.03              | 0.70  | 000 .....     | N      |
| 95147              | .....    | A ..... | Antigen therapy services .....    | 0.06                   | 0.91                               | 0.03              | 1.00  | 000 .....     | N      |
| 95148              | .....    | A ..... | Antigen therapy services .....    | 0.06                   | 0.91                               | 0.03              | 1.00  | 000 .....     | N      |
| 95149              | .....    | A ..... | Antigen therapy services .....    | 0.06                   | 1.14                               | 0.03              | 1.23  | 000 .....     | N      |
| 95165              | .....    | A ..... | Antigen therapy services .....    | 0.06                   | 0.10                               | 0.01              | 0.17  | 000 .....     | N      |
| 95170              | .....    | A ..... | Antigen therapy services .....    | 0.06                   | 0.35                               | 0.03              | 0.44  | 000 .....     | N      |
| 95180              | .....    | A ..... | Rapid desensitization .....       | 2.01                   | 0.14                               | 0.01              | 2.16  | 000 .....     | N      |
| 95199              | .....    | C ..... | Allergy immunology services ..... | 0.00                   | 0.00                               | 0.00              | 0.00  | 000 .....     | N      |
| 95807              | .....    | A ..... | Sleep study .....                 | 1.66                   | 8.75                               | 0.67              | 11.08 | XXX .....     | N      |
| 95807              | 26 ..... | A ..... | Sleep study .....                 | 1.66                   | 2.45                               | 0.19              | 4.30  | XXX .....     | N      |
| 95807              | TC ..... | A ..... | Sleep study .....                 | 0.00                   | 6.30                               | 0.48              | 6.78  | XXX .....     | N      |
| 95808              | .....    | A ..... | Polysomnography, 1-3 .....        | 2.65                   | 8.75                               | 0.67              | 12.07 | XXX .....     | N      |
| 95808              | 26 ..... | A ..... | Polysomnography, 1-3 .....        | 2.65                   | 2.45                               | 0.19              | 5.29  | XXX .....     | N      |
| 95808              | TC ..... | A ..... | Polysomnography, 1-3 .....        | 0.00                   | 6.30                               | 0.48              | 6.78  | XXX .....     | N      |
| 95810              | .....    | A ..... | Polysomnography, 4 or more .....  | 3.53                   | 8.75                               | 0.67              | 12.95 | XXX .....     | N      |
| 95810              | 26 ..... | A ..... | Polysomnography, 4 or more .....  | 3.53                   | 2.45                               | 0.19              | 6.17  | XXX .....     | N      |
| 95810              | TC ..... | A ..... | Polysomnography, 4 or more .....  | 0.00                   | 6.30                               | 0.48              | 6.78  | XXX .....     | N      |

<sup>1</sup> All numeric CPT HCPCS Copyright 1994 American Medical Association.  
<sup>2</sup>#Indicates RVUs are not used for Medicare payment.  
<sup>3</sup>\*Indicates reduction of Practice Expense RVUs as a result of OBRA 1993.

**L. Page 63594, Addendum B**  
 On page 63594, Addendum B is corrected to read as follows:

| HCPCS <sup>1</sup> | MOD   | Status  | Description                        | Work RVUs <sup>2</sup> | Practice expense RVUs <sup>3</sup> | Mal-practice RVUs | Total | Global period | Update |
|--------------------|-------|---------|------------------------------------|------------------------|------------------------------------|-------------------|-------|---------------|--------|
| 97770              | ..... | A ..... | Cognitive skills development ..... | 0.44                   | 0.28                               | 0.03              | 0.75  | XXX .....     | N      |

<sup>1</sup> All numeric CPT HCPCS Copyright 1994 American Medical Association.  
<sup>2</sup>#Indicates RVUs are not used for Medicare payment.  
<sup>3</sup>\*Indicates reduction of Practice Expense RVUs as a result of OBRA 1993.

**M. Page 63599, Addendum B**  
 On page 63599, Addendum B is corrected to read as follows:

| HCPCS <sup>1</sup> | MOD   | Status  | Description                  | Work RVUs <sup>2</sup> | Practice expense RVUs <sup>3</sup> | Mal-practice RVUs | Total | Global period | Update |
|--------------------|-------|---------|------------------------------|------------------------|------------------------------------|-------------------|-------|---------------|--------|
| A4643              | ..... | E ..... | High dose contrast MRI ..... | 0.00                   | 0.00                               | 0.00              | 0.00  | XXX .....     | O      |

<sup>1</sup> All numeric CPT HCPCS Copyright 1994 American Medical Association.  
<sup>2</sup>#Indicates RVUs are not used for Medicare payment.  
<sup>3</sup>\*Indicates reduction of Practice Expense RVUs as a result of OBRA 1993.

**N Page 63614, Addendum B**  
 On page 63614, HCPCS code Q0126 in Addendum B is corrected and HCPCS codes Q0137 and Q0138 are added to read as follows:

| HCPCS <sup>1</sup> | MOD   | Status  | Description                        | Work RVUs <sup>2</sup> | Practice Expense RVUs <sup>3</sup> | Mal-practice RVUs | Total | Global period | Update |
|--------------------|-------|---------|------------------------------------|------------------------|------------------------------------|-------------------|-------|---------------|--------|
| Q0126              | ..... | D ..... | Immunoassay inf agnt antigen ..... | 0.00                   | 0.00                               | 0.00              | 0.00  | 000 .....     | O      |
| Q0137              | ..... | E ..... | Inj Dexamethasone Acet 8MG .....   | 0.00                   | 0.00                               | 0.00              | 0.00  | XXX .....     | O      |
| Q0138              | ..... | E ..... | Inj Dexamethasone Acet 16MG .....  | 0.00                   | 0.00                               | 0.00              | 0.00  | XXX .....     | O      |

<sup>1</sup> All numeric CPT HCPCS Copyright 1994 American Medical Association.  
<sup>2</sup>#Indicates RVUs are not used for Medicare payment.  
<sup>3</sup>\*Indicates reduction of Practice Expense RVUs as a result of OBRA 1993.

**O Page 63631, Addendum F**

On page 63631, Addendum F, remove HCPCS \*29530, Strapping of knee.

**P. Page 63632, Addendum F**

On page 63632, Addendum F, remove HCPCS \*95880, Cerebral aphasia testing and HCPCS \*95881, Cerebral developmental test.

(Section 1848 of the Social Security Act (42 U.S.C. 1395w-4))

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 21, 1995.

**Neil J. Stillman,**

*Deputy Assistant Secretary for Information Resources Management.*

[FR Doc. 95-17570 Filed 7-17-95; 8:45 am]

BILLING CODE 4120-01-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Public Land Order 7147

[NM-932-1430-01; NMMN 055653]

#### Partial Revocation of Public Land Order No. 2051; New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes a public land order insofar as it affects 201.05 acres of public land withdrawn for New Mexico State University (formerly New Mexico College of Agriculture and Mechanic Arts) for research programs in connection with Federal programs. The land is no longer needed for this purpose, and the revocation is needed to permit disposal of the land through sale as directed by Public Law 100-559.

**EFFECTIVE DATE:** August 15, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Jeanette Espinosa, BLM New Mexico State Office, P.O. Box 27115, Santa Fe, New Mexico 87502, 505-438-7597.

By virtue of the authority vested in the Secretary of the Interior by Section 502 of Public Law 100-559, it is ordered as follows:

1. Public Land Order No. 2051, which withdrew public land for use by the New Mexico College of Agriculture and Mechanic Arts, now New Mexico State University, for research programs in connection with Federal programs, is hereby revoked insofar as it affects the following described land:

**New Mexico Principal Meridian**

T. 23 S., R. 2 E.,

Sec. 35, lots 8 and 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 201.05 acres in Dona Ana County.

2. The land described above is hereby made available for conveyance as

authorized and directed by Section 502 of Public Law 100-559.

Dated: July 6, 1995.

**Bonnie R. Cohen,**

*Assistant Secretary of the Interior.*

[FR Doc. 95-17513 Filed 7-17-95; 8:45 am]

BILLING CODE 4310-FB-P

#### 43 CFR Public Land Order 7148

[ES-931-1430-01; FLES-37416]

#### Revocation of Executive Order Dated February 1, 1886; Florida

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order revokes an Executive order in its entirety insofar as it affects the remaining 0.17 acre of public land withdrawn for use by the United States Coast Guard for lighthouse purposes. The land is no longer needed for lighthouse purposes. This action will open the land to surface entry, mining, and mineral leasing.

**EFFECTIVE DATE:** August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Mary A. Weaver, Withdrawal Coordinator, BLM Jackson District Office, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206-3039, 601-977-5400.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Executive order dated February 1, 1886, which withdrew public land for use as lighthouse purposes, is hereby revoked insofar as it affects the following described land:

**Tallahassee Meridian**

T. 27 S., R. 15 E.,

Sec. 1, part of lot 1 described as follows:

Beginning at a point which is located by running from the center of the light tower northwesterly and parallel to the southwest side of the tower foundation a distance of 42.5 feet to the place of beginning; thence northeasterly and parallel to the northwest side of said tower foundation a distance of 42.5 feet to a point; thence southeasterly and parallel to said southwest side of the tower foundation a distance of 85.0 feet to a point; thence southwesterly and parallel to said northwest side of the tower foundation a distance of 85.0 feet to a point; thence northwesterly and parallel to said southwest side of the tower foundation a distance of 85.0 feet to a point; thence northeasterly and parallel to said northwest side of the tower foundation a distance of 42.5 feet to place of beginning.

The area described contains 0.17 acre in Pinellas County.

2. At 10:00 a.m. on August 17, 1995, the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on August 17, 1995, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10:00 a.m. on August 17, 1995, the land will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal Law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: July 6, 1995.

**Bonnie R. Cohen,**

*Assistant Secretary of the Interior.*

[FR Doc. 95-17512 Filed 7-17-95; 8:45 am]

BILLING CODE 4310-GJ-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[MD Docket No. 95-3]

#### Assessment and Collection of Regulatory Fees for Fiscal Year 1995; Correction

**AGENCY:** Federal Communications Commission.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to the final regulations published in notice document FCC 95-227, Report and Order, *In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1995*, MD Docket No. 95-3 (Rel. June 19, 1995) which were published Thursday, June 29, 1995 (60 FR 34004).

**EFFECTIVE DATE:** September 18, 1995.