

including PADEP's source-specific SIP revisions to determine RACT on a case-by-case basis for companies such as PPNC, allows interested parties to comment on whether the information, rationale, procedure and conclusions are appropriate for the subject source(s). The process is designed to allow interested parties to question the proposal by challenging EPA's rationale for its rulemaking action, including pointing out gaps in information or information that may have been overlooked in the original proposal. By its re-analysis, performed subsequent to and in consideration of the issues raised by NYDEC's comments, EPA has determined that PPNC did not follow the Pennsylvania RACT regulation or EPA's requirements when it submitted its RACT proposal to PADEP. Furthermore, EPA has determined that PADEP, in reviewing and analyzing PPNC's RACT proposal, did not determine and impose RACT in accordance with its regulation's definition and the Federal definition of RACT. EPA's reconsideration of the PPNC RACT as a result of such public comment is the kind of action supported by the law.

Both Pennsylvania and the Company indicated that they relied on the Pennsylvania's March 10, 1994 RACT guidance document in developing the PPNC RACT proposal. This RACT guidance document was not submitted by PADEP with the April 19, 1995 PPNC RACT package nor at any other time as part of the SIP revision. The Company included this document in its July 15, 1996 response to EPA's proposed rulemaking notice. In a June 26, 1997 letter to PA DEP, EPA stated that it had no record of this document being subjected to public notice and comment. Furthermore, EPA stated that the March 10, 1994 DEP RACT guidance document contained procedures and methods that EPA finds inconsistent with the definition of RACT. Consequently, following the procedures in the March 10, 1994 DEP RACT guidance document does not guarantee that the RACT proposal is approvable by EPA. EPA has determined that the PPNC RACT proposal is not supported by the information in the record. EPA's review of this material indicates the proposed RACT emission limits for PPNC submitted on April 19, 1995 are unsubstantiated and cannot be approved. EPA is soliciting public comments on the issues discussed in this document and on other relevant matters. These comments will be fully considered before taking final action. Interested parties may participate in the

Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this document.

Proposed Action

EPA is withdrawing the proposed approval published on April 9, 1996 in the **Federal Register** and is, instead, proposing to disapprove the RACT determination submitted by PADEP on April 19, 1995 for the Pennsylvania Power—New Castle plant, located in Lawrence County.

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

Administrative Requirements

Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 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. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant 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.

This proposed action impacts one source, Pennsylvania Power's New Castle plant. Therefore, EPA certifies that this disapproval action does not have a significant impact on small entities. Furthermore, as explained in this document, the request does not meet the requirements of the Clean Air Act and EPA cannot approve the request. Therefore, EPA has no option but to propose to disapprove the submittal.

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 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 disapproval action proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

The Administrator's decision to approve or disapprove the SIP revision submitted by PADEP for Pennsylvania Power's New Castle plant will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Nitrogen dioxide, Ozone.

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

Dated: August 8, 1997.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 97-21805 Filed 8-15-97; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400, 405, 410, and 414

[BPD-884-CN]

RIN 0938-AH94

Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, Other Part B Payment Policies, and Establishment of the Clinical Psychologist Fee Schedule for Calendar Year 1998; Correction

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

ACTION: Correction of proposed rule.

SUMMARY: This document corrects technical errors that appeared in the proposed rule published in the **Federal Register** on June 18, 1997 entitled "Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, Other Part B Payment Policies, and Establishment of the Clinical Psychologist Fee Schedule for Calendar Year 1998."

FOR FURTHER INFORMATION CONTACT:
Stanley Weintraub, (410) 786-4498.

SUPPLEMENTARY INFORMATION:

Background.

In the **Federal Register** Document dated June 18, 1997, there were a number of technical errors. In Addendum B of the proposed rule, on pages 33195 through 33196, the proposed statistical linking methodology is discussed. In preparing the table entitled "Linking Adjustment Factors by CPEP," the actual linking factors were not accurately stated. The actual factors are shown in the revised table in this document under the heading "Correction of Errors."

In addition, in Addendum C, on page 33288, we inadvertently printed incorrect information for CPT code 92543 (caloric vestibular testing).

The discussion on page 33183 of the proposed rule indicated that we are proposing to reduce the relative value units (RVUs) for CPT code 92543 to 25 percent of what the RVUs would

otherwise have been. As explained in that material, we are making this proposal because we plan to permit physicians and suppliers to bill four units of service instead of the one until now permitted. The intent is to reduce billing confusion regarding these codes in a budget-neutral way.

In Addendum C of the proposed rule, the reduction to 25 percent of the RVUs otherwise applicable was reflected for the practice expense RVUs, but we incorrectly published unreduced RVUs for work and malpractice. The corrected RVUs appear in this document under the heading "Correction of Errors."

Correction of Errors

In FR Doc. 97-15817 of June 18, 1997 (62 FR 33158), insert the following revised table on page 33196:

ADDENDUM B.—LINKING ADJUSTMENT FACTORS BY CPEP

CPEP	Clinical labor linking adjustment	Administrative labor linking adjustment
CPEP #1 .....	.84	.50
CPEP #2 .....	.40	.36
CPEP #3 .....	.42	.31
CPEP #4	1.03	.56
CPEP #5 .....	.96	.52
CPEP #6 .....	.80	.46
CPEP #7	1.00	1.00
CPEP #8 .....	.44	.22
CPEP #9 .....	.54	.35
CPEP #10 .....	.91	.78
CPEP #11 .....	.93	.39
CPEP #12 .....	.55	.24
CPEP #13 .....	.77	.44
CPEP #14	1.00	1.00
CPEP #15	1.07	.20

Make the following corrections in Addendum C for CPT code 92543 on page 33288:

ADDENDUM C.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION

CPT ¹ / HCPCS ²	MOD	Status	Description	Physician work RVUs ^{3,4}	Direct in office practice expense RVUs	Direct out of office practice expense RVUs	Total in office practice expense RVUs	Total out of office practice expense RVUs	Mal-practice RVUs	Total in office	Total out of office
92543	.....	A	Caloric vestibular test	0.10	0.14	0.14	0.20	0.20	0.02	0.32	0.32
92543	26	A	Caloric vestibular test	0.10	0.02	0.02	0.05	0.05	0.01	0.16	0.16
92543	TC	A	Caloric vestibular test	0.00	0.12	0.12	0.15	0.15	0.01	0.16	0.16

¹ CPT codes and descriptions only are copyright 1996 American Medical Association. All rights reserved. Applicable FARS/DFARS apply.

² Copyright 1994 American Dental Association. All rights reserved.

³ + Indicates RVUs are not for Medicare Payment.

⁴ * Work RVUs increased in global surgical package.

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: August 6, 1997.

Neil J. Stillman,

*Deputy Assistant Secretary for Information
Resources Management.*

[FR Doc. 97-21730 Filed 8-15-97; 8:45 am]

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**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 76

[CS Docket No. 97-151; FCC 97-234]

Pole Attachments

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rulemaking seeking comment on its continued implementation of the pole attachment provisions of the Telecommunications Act of 1996. We seek comment on a methodology to ensure just, reasonable, and nondiscriminatory maximum pole attachment and conduit rates for telecommunications carriers, and on how to ensure that rates charged for use of rights of way are just, reasonable and nondiscriminatory. The Commission explores this issue to fulfill its obligation under the Telecommunications Act of 1996 to adopt rules concerning pole attachments. The item will help the Commission create a record on this issue, which will assist the Commission in designing new or amending current

regulations concerning pole attachments.

DATES: Comments are due on or before September 26, 1997 and reply comments on or before October 14, 1997.

FOR FURTHER INFORMATION CONTACT:

Larry Walke, Cable Services Bureau, (202) 418-7200. For additional information concerning the information collections contained herein, contact Judy Boley at 202-418-0217, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking in CS Docket No. 97-151, FCC 97-234, adopted July 1, 1997 and released August 12, 1997. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW, Washington, DC 20554, and may be