

Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

#### VII. Public Docket

A record has been established for this rulemaking under docket number [OPP-300449]. A public version of this record, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. EPA has also established a special record for post-FQPA tolerances which contains documents of general applicability. This record can be found in the same location.

The official record for this rulemaking, as well as the public version, as described above, is kept in paper form. Accordingly, in the event there are objections and hearing requests, EPA will transfer any copies of 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. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

#### VIII. Regulatory Assessment Requirements

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 obligations 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 this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

This action does not impose any enforceable duty, or contain any "unfunded mandates" as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because tolerances established on the basis of a petition under section 408(d) of FFDCA do not require issuance of a proposed rule, the regulatory flexibility analysis requirements of the Regulatory Flexibility Act (RFA), 5 U.S.C. 604(a), do not apply. Prior to the recent enactment of the FFDCA, EPA had treated such rulemakings as subject to the RFA; however, the amendments to the FFDCA clarify that no proposal is required for such rulemakings and hence the RFA is inapplicable.

Under 5 U.S.C. 801(a)(1)(A), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(a).

#### List of Subjects in 40 CFR Part 180

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

Dated: February 14, 1997.

Peter Caulkins,

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR Chapter I 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 § 180.460 to read as follows:

#### § 180.460 Benoxacor; tolerances for residues.

Tolerances are established for residues of the inert ingredient (safener) benoxacor (4-(dichloroacetyl)-3,4-dihydro-3-methyl-2H-1,4-benzoxazine) when used in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor. These tolerances expire on February 14, 1998.

[FR Doc. 97-4495 Filed 2-20-97; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Parts 410 and 415

[BPD-852-CN]

RIN 0938-AH40

#### Medicare Program; Revisions to Payment Policies and Five-Year Review of and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 1997; Correction

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 November 22, 1996 entitled "Medicare Program; Revisions to Payment Policies and Five-Year Review of and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 1997."

EFFECTIVE DATE: January 1, 1997.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

In the Federal Register Document dated November 22, 1996, there were a number of technical errors. In Addendum B, beginning on page 59595, we inadvertently printed incorrect information for certain codes. The corrections appear in this document under the heading "Correction of Errors."

## Correction of Errors

In FR Doc. 96-29558 of November 22, 1996 (61 FR 59490), make the following corrections:

*Pages 59595 through 59702, Addendum B*

Entries on the pages listed below for the codes listed are corrected as follows: on page 59595, for CPT codes 38230

through 38241; page 59672 for CPT code 90901; page 59693 for HCPCS code A9503; page 59701 for HCPCS codes G0053 and G0084; and page 59702 for HCPCS codes G0089 through G0094 and J0270.

CPT <sup>1</sup> HCPCS <sup>2</sup>	MOD	Status	Description	Physician work RVUs <sup>3</sup>	Practice ex- pense RVUs	Malpractice RVUs	Total	Global period	Update
38230	.....	R	Bone marrow collec- tion.	4.22	2.78	0.21	7.21	010	N
38231	.....	R	Stem cell collection ..	1.50	1.37	0.08	2.95	000	N
38240	.....	R	Bone marrow/stem transplant.	2.24	2.08	0.14	4.46	XXX	N
38241	.....	R	Bone marrow/stem transplant.	2.24	2.04	0.13	4.41	XXX	N
90901	.....	A	Biofeedback, any method.	0.41	0.97	0.07	1.45	000	N
A9503	....	E	Technetium TC 99 medronate.	0.00	0.00	0.00	0.00	XXX	0
G0053	....	A	Destruction of add'l lesions.	3.05	2.25	0.20	5.50	010	S
G0084	....	A	Psychotherapy, inpt, with E/M.	1.65	0.35	0.05	2.05	XXX	N
G0089	....	A	Psychotherapy, inpt, no E/M.	1.33	0.59	0.09	2.01	XXX	N
G0090	....	A	Psychotherapy, inpt, with E/M.	1.77	0.59	0.09	2.45	XXX	N
G0091	....	A	Psychotherapy, inpt, no E/M.	2.08	0.59	0.09	2.76	XXX	N
G0092	....	A	Psychotherapy, inpt, with E/M.	2.41	0.59	0.09	3.09	XXX	N
G0093	....	A	Psychotherapy, inpt, no E/M.	3.32	0.59	0.09	4.00	XXX	N
G0094	....	A	Psychotherapy, inpt, with E/M.	3.80	0.59	0.09	4.48	XXX	N
J0270	.....	E	Alprostadil for injec- tion.	0.00	0.00	0.00	0.00	XXX	0

<sup>1</sup> All CPT codes and descriptors copyright 1996 American Medical Association.

<sup>2</sup> Copyright 1994 American Dental Association. All rights reserved.

<sup>3</sup> Indicates RVUs are not used for Medicare payment.

(Sec. 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: February 12, 1997.

Neil J. Stillman,  
*Deputy Assistant Secretary for Information  
Resources Management.*

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## DEPARTMENT OF TRANSPORTATION

Research and Special Programs  
Administration

## 49 CFR Part 199

[Docket No. PS-152; Amendment 199-14]

RIN 2137-AC95

Reporting of Drug and Alcohol Testing  
Results

AGENCY: Research and Special Programs  
Administration (RSPA), DOT.

**ACTION:** Confirmation of direct final rule.

**SUMMARY:** This document confirms the effective date of the direct final rule that amends the Drug and Alcohol Testing Rules to allow the optional reporting of drug and alcohol testing results to RSPA by computer disk.

**EFFECTIVE DATE:** The direct final rule published on December 12, 1996 at 61 FR 65364 is effective April 11, 1997.