Unfunded Mandates

The Unfunded Mandates Reform Act requires, in 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any given year. This final rule would have no such effect on State, local, or tribal governments, or the private sector.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

Executive Order 12866

The Office of Management and Budget has reviewed this document under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601 through 612. The final rule would not cause a significant economic impact on health care providers, suppliers, or entities since only a small portion of the business of such entities concerns VA beneficiaries. Therefore, pursuant to 5 U.S.C. 605(b), the final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance Numbers are 64.009, 64.010 and 64.011.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Government programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing home care, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: October 20, 2004.

Anthony J. Principi,

Secretary of Veterans Affairs.

■ For the reasons set out in the preamble, 38 CFR part 17 is amended as set forth below:

PART 17—MEDICAL

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

■ 2. Section 17.56 is amended by:
■ a. Revising the section heading.
■ b. In paragraph (a), removing ''Except for anesthesia services,'' and adding, in its place, ''Except for anesthesia services, and services provided in the State of Alaska under paragraph (d) of this section,''; removing ''Department of Health & Human Services, Health Care Financing Administration (HCFA) under Medicare's participating'' and adding, in its place, ''Centers for Medicare and Medicaid Services' (CMS) participating''; removing ''calculated under Medicare's participating'' and adding, in its place, ''calculated under Centers for Medicare and Medicaid Services' participating''; and removing all references to ''non-VA physician services'' and adding, in their place, ''non-VA health care professional services''.
■ c. In paragraph (b), removing ''Medicare's participating'' and adding, in its place, ''Centers for Medicare and Medicaid Services' participating''; and removing ''calculating the Medicare fee'' and adding, in its place, ''calculating the Centers for Medicare and Medicaid Services' fee''.
■ d. Redesignating paragraphs (d) and (e) as paragraphs (e) and (f), respectively.
■ e. Adding a new paragraph (d).
■ f. In redesignated paragraph (f), removing the phrase ''paragraphs (a) through (d)'' and adding, in its place, ''paragraphs (a) through (e)''.

The revision and addition read as follows:

§ 17.56 Payment for non-VA physician and other health care professional services.

* * * * *

(d) For services rendered in Alaska, VA will pay for services in accordance with a fee schedule that uses the Health Insurance Portability and Accountability Act mandated national standard coding sets. VA will pay a specific amount for each service for which there is a corresponding code. Under the VA Alaska Fee Schedule the amount paid in Alaska for each code will be 90 percent of the average amount VA actually paid in Alaska for the same services in Fiscal Year (FY) 2003. For services that VA provided less than eight times in Alaska in FY 2003, for services represented by codes established after FY 2003, and for unit-based codes prior to FY 2004, VA will take the Centers for Medicare and Medicaid Services' rate for each code and multiply it times the average percentage paid by VA in Alaska for Centers for Medicare and Medicaid Services-like codes. VA will increase the amounts on the VA Alaska Fee Schedule annually beginning in 2005 in accordance with the published national Medicare Economic Index (MEI). For those years where the annual average is a negative percentage, the fee schedule will remain the same as the previous year. Payment for non-VA health care professional services in Alaska shall be the lesser of the amount billed, or the amount calculated under this subpart.

* * * * *

(Authority: 38 U.S.C. 513, 1703, 1728)

[FR Doc. 05–2107 Filed 2–3–05; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R04–OAR–2004–KY–0001–200425(w); FRL–7868–8]

Approval and Promulgation of Implementation Plans for Kentucky: 1-Hour Ozone Maintenance Plan Update for Edmonson Area; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to adverse comment, EPA is withdrawing the direct final rule published December 17, 2004, (69 FR 75473) approving revisions to the Edmonson County portion of the State Implementation Plan (SIP) submitted by the Commonwealth of Kentucky on August 24, 2004. The submittal provides the 10-year update to the original 1-hour ozone maintenance plans for three 1-hour ozone maintenance areas, including the Edmonson County Maintenance Area, and also provides revised 2004 motor vehicle emission budgets (MVEBs) and establishes 2015 MVEBs. EPA stated in the direct final rule that if EPA received adverse comment by January 18, 2005, the rule would be withdrawn and not take effect. EPA subsequently received adverse comment. EPA will address the comment in a subsequent final action based upon the proposed action also

published on December 17, 2004 (69 FR 75495). EPA will not institute a second comment period on this action.

DATES: The direct final rule is withdrawn as of February 4, 2005.

FOR FURTHER INFORMATION CONTACT: Michele Notarianni, Air Planning Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. ((404) 562–9031 (phone) or *notarianni.michele@epa.gov* (e-mail).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 24, 2005.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 05–2069 Filed 2–3–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–87; FL–89–200501, FRL–7869–2]

Approval and Promulgation of Implementation Plans; Florida: Citrus Juice Processing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final conditional approval.

SUMMARY: The EPA is conditionally approving a revision to the Florida State Implementation Plan (SIP) consisting of a new Florida statute and implementing regulations that set emission limits for existing and new equipment at existing citrus juice processing facilities in Florida. This approval is conditioned upon a commitment from the State to adopt specific enforceable measures, as stated in the proposed rule published January 30, 2004 (69 FR 4459), within one year from the effective date of this rule. If the State fails to meet its commitment by adopting and submitting to EPA the necessary revisions within the one-year period, the approval is treated as a disapproval.

DATES: *Effective Date:* This rule will be effective March 7, 2005.

ADDRESSES: EPA has established a docket for this action under Docket Control No. FL–87 and FL–89. Some information may not be publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Publicly available docket materials are available at the Air Permits Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays. Copies of the State submittal are also available for public inspection during normal business hours, by appointment at the State Air Agency: Florida Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

FOR FURTHER INFORMATION CONTACT: Ms. Kelly Fortin, Air Permits Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9117. Ms. Fortin can also be reached via electronic mail at *fortin.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Today's Action

Today's action is a conditional approval under section 110(k)(4) of the Clean Air Act (CAA). EPA may conditionally approve a plan based on a commitment from the State to adopt specific enforceable measures within one year from the effective date of final conditional approval. Because the revisions would materially alter the existing SIP approved rule, the State must make a SIP submittal. If the State fails to adopt and submit the specified measures by the end of one year from the effective date of this conditional approval, or fails to make a submittal, EPA will issue a finding of disapproval. If EPA determines that the rule with the specified measures is approvable, EPA will propose approval of the rule in the **Federal Register**. EPA will conditionally approve a certain rule only once.

II. Background

EPA is taking this action in response to a request from the Florida Department of Environmental Protection (FDEP) to revise Florida's SIP and Title V operating permit program to include an alternative regulatory program for citrus juice processing facilities. FDEP's complete submittal, received by EPA on July 29, 2002, includes a new citrus statute (Florida Statute 403.08725), which the State adopted in July 2000 and amended on June 12, 2003, as well as draft implementing regulations and supporting material. FDEP formally adopted these implementing regulations in December 2002. 62–210.340 F.A.C. FDEP also requested that the statute and regulation be considered by EPA pursuant to the Joint EPA/State Agreement to Pursue Regulatory Innovation between EPA and the Environmental Council of the States (''ECOS''). 63 FR 24784. After a detailed review, EPA responded to FDEP with letters, dated September 18, 2002, and April 24, 2003, listing several changes to the program that must be made in order for EPA to incorporate the program into the Florida SIP. On January 31, 2003, FDEP made a supplemental submittal outlining their intent to make necessary statutory and regulatory revisions to the program. In a **Federal Register** notice published on January 30, 2004, EPA requested comment on a proposal to conditionally approve the proposed changes to the Florida SIP. The **Federal Register** notice described the proposed program and identified specific deficiencies that EPA has determined must be corrected in order for EPA to approve the program as part of the Florida SIP. You may access this notice and the January 30, 2004 **Federal Register** document electronically at *http://www.regulations.gov.* No comments were received by EPA during the 30 day public comment period.

The proposed program requires the existing juice processing facilities in Florida to comply with specified terms in the statute when they construct, operate, and modify air emissions units. For some units these conditions are different from those required by the conventional construction and operating permit requirements required by the SIP-approved Florida regulations that currently apply to citrus juice processing facilities. The statute requires a 65 percent recovery (50 percent the first year) of d-limonene oil from peel processed through the peel dryer. This reduction will decrease emissions of volatile organic compounds (VOC) from these facilities by approximately 38 percent. The citrus facilities can comply with the VOC emission limitations through a combination of emission controls, pollution prevention, and emission credits that can be generated through over-control of the juice processing facilities. The statute includes requirements for emissions of VOC, nitrogen oxides (NO_X), sulfur dioxide (SO_2), and particulate matter (PM), for existing units and for new units. New